

AMENDED IN SENATE JUNE 13, 2013

AMENDED IN SENATE JUNE 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 81**

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**Introduced by Committee on Budget (Blumenfield (Chair), Bloom, Bonilla, Campos, Chesbro, Daly, Dickinson, Gordon, Jones-Sawyer, Mitchell, Mullin, Muratsuchi, Nazarian, Skinner, Stone, and Ting)**

January 10, 2013

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An act to amend Sections 29552, 30027.9, 30061, and 30070 of the Government Code, to amend Sections 1170, 1203.2, 3000.08, 3003, 3451, and 13821 of, to amend and repeal Section 326.3 of, and to add Sections 4019.1 and 5003.2 to, the Penal Code, and to amend Sections 1955, 1984, 18220, and 18220.1 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 81, as amended, Committee on Budget. Public safety.

(1) Existing law establishes in the State Treasury the Local Revenue Fund 2011, a continuously appropriated fund, and requires that its funds be allocated exclusively for public safety services, as defined. Existing law further establishes the Law Enforcement Services Account within that fund, and creates the Enhancing Law Enforcement Activities Subaccount and the Juvenile Justice Subaccount within the Law Enforcement Services Account.

Existing law, commencing with the 2012–13 fiscal year, allocates specified funds from the Enhancing Law Enforcement Activities

Subaccount to local governments, including to cities and counties that charge fees to a city, special district, community college district, college, or university for the booking or detention of a person arrested and brought to a detention facility of the city or county, as specified. Existing law also allocates certain percentages of the moneys deposited in the subaccount as follows: 3.78% to county sheriffs' departments to enhance law enforcement efforts in specified counties; 8.35% for use by the California Multi-Jurisdictional Methamphetamine Enforcement Teams, Multi-Agency Gang Enforcement Consortium, Sexual Assault Felony Enforcement Teams, High Technology Theft Apprehension and Prosecution Program, Gang Violence Suppression Program, and the Central Valley and Central Coast Rural Crime Prevention Programs, as specified; 30.99% to specified counties to serve children who are habitual truants, runaways, at risk of being wards of the court, or under juvenile court supervision or supervision of the probation department, as prescribed; and 6.01% to counties that operate juvenile camps and ranches, based on the number of beds in each camp.

Existing law requires each county to establish in the county treasury a Supplemental Law Enforcement Services Account for the receipt of all amounts allocated to a county for specified local law enforcement purposes, including jail construction and operation, criminal prosecution, and juvenile justice plans. Existing law requires the Controller to allocate funds to local jurisdictions for these purposes as annually calculated by the Director of Finance.

Existing law establishes the Youthful Offender Block Grant Special Account in the Juvenile Justice Subaccount, and requires that allocations from that account be used to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders. Existing law requires that these funds be allocated in 4 equal installments, to be paid in September, December, March, and June, pursuant to a specified formula.

Existing law establishes the Juvenile Reentry Grant Special Account in the Juvenile Justice Subaccount and requires that its funds be allocated for the purpose of providing for the local supervision of persons discharged from the custody of the Division of Juvenile Facilities. Existing law requires that the amount allocated to each county probation department from that account be distributed in 2 equal payments to be paid on October 30 and May 30 of each fiscal year pursuant to specified criteria.

This bill would require the Controller to allocate funds from the above-described accounts for those same purposes and in the same amounts, but would require that the allocations be made in monthly installments.

(2) Existing law establishes the Law Enforcement Services Growth Subaccount within the Local Revenue Fund 2011 in the State Treasury. Existing law requires the Controller, in the 2012–13 fiscal year, to allocate funds from the Law Enforcement Services Growth Subaccount to specified accounts relating to criminal justice.

This bill would instead require the Controller to make those allocations commencing with the 2012–13 fiscal year.

(3) The California Constitution allows the Legislature, by statute, to authorize cities and counties to provide for bingo games for charitable purposes. Existing law authorizes cities and counties to permit eligible nonprofit organizations to conduct bingo games and remote caller bingo games, as defined, for charitable purposes pursuant to an ordinance that allows those games to be conducted in accordance with specified requirements. Existing law requires the California Gambling Control Commission to regulate remote caller bingo, including licensure and operation. Existing law requires any person who conducts a remote caller bingo game to be licensed. Existing law requires the commission to approve all equipment used for remote caller bingo in advance, to monitor operation of the transmission and other equipment used for remote caller bingo, and to monitor the game. Existing law requires the Department of Justice to conduct background investigations and conduct field enforcement as it relates to remote caller bingo consistent with existing law and as specified in regulations promulgated by the commission.

Existing law and the Governor’s Reorganization Plan No. 2 of 2012 (GRP 2), effective on July 3, 2012, and operative on July 1, 2013, consolidates the support, investigatory, auditing, and compliance functions of the California Gambling Control Commission and transfers these duties to the Department of Justice. The commission retains jurisdiction over the licensing, policies, regulations, criteria, and standards pertaining to gaming.

This bill would additionally require the licensure of any person who contracts to conduct remote caller bingo on behalf of an authorized organization or who is identified as having fiduciary responsibility of the game. The bill would establish an annual licensing fee in an amount determined by the department, not to exceed the reasonable regulatory

costs to the department and in accordance with regulations adopted by the department. The bill would require that prior to the adoption of regulations, the nonrefundable license fee would be the amount of the reasonable regulatory costs to the department not to exceed \$3,000, for any person or entity that directly or indirectly manufactures, distributes, supplies, vends, leases, or otherwise provides supplies, devices, services, or other equipment designed for use in the playing of a remote caller bingo game by any nonprofit organization. The bill would require the department to conduct any background investigation related to remote caller bingo in accordance with existing law and as specified in regulations promulgated by the commission or the department.

This bill would reallocate additional functions among the commission and the department with regard to remote caller bingo. The bill would require a remote caller bingo site, for each participating remote caller bingo site, to notify the department and local law enforcement of its intent to conduct a game, rather than the commission. The bill would require all equipment used for remote caller bingo to be certified as compliant with specified regulations by a manufacturing expert recognized by the department. The bill would require equipment certifications to be submitted to the department prior to the equipment's use. The bill would also authorize the department, rather than the commission, to monitor the operation of the transmission and other equipment used for remote caller bingo, and to monitor the game. The bill would transfer the auditing functions of the commission to the department, as those functions relate to remote caller bingo. The bill would also make various technical, nonsubstantive conforming changes to further reflect GRP 2.

Existing law authorizes certain loans from the Gambling Control Fund to the California Bingo Fund to fund operating, personnel, and other startup costs incurred by the commission related to remote caller bingo. Existing law requires these loans to be repaid no later than 5 years after the date of the loan. Existing law requires that funds from the California Bingo Fund be available to the commission upon appropriation by the Legislature in the annual Budget Act. Existing law also authorizes the commission to assess and collect reasonable fees and deposits as necessary to defray the costs of regulation and oversight.

This bill would require the previously described loans to the California Bingo Fund to be repaid by July 1, 2019. The bill would require funds from the California Bingo Fund be available to both the commission and the department upon appropriation by the Legislature in the annual

Budget Act. The bill would additionally authorize the department to assess and collect reasonable fees and deposits to defray the costs of regulation and oversight.

This bill would make these provisions inoperative on July 1, 2016, and would repeal the remote caller bingo program as of January 1, 2017.

(4) Existing law defines a felony as a crime that is punishable by death, imprisonment in the state prison, or imprisonment in a county jail for a term greater than one year, as specified. Existing law also provides exceptions to imprisonment in a county jail for a variety of felonies, including serious or violent felonies and any felony for which registration as a sex offender is required, among other exceptions.

Existing law provides that, when a court commits a person to county jail for a felony, the portion of a defendant's sentenced term during which time he or she is supervised by the county probation officer is known as mandatory supervision.

This bill would specify that mandatory supervision begins upon release from custody. By increasing the duties of county probation officers, the bill would impose a state-mandated local program.

(5) Existing law generally requires that all persons released from prison on and after October 1, 2011, after serving a prison term for a felony, be subject to postrelease community supervision provided by a county agency for a period of 3 years immediately following release, except for persons released after serving a term for a serious felony, a violent felony, an offense for which the person was sentenced pursuant to the "Three Strikes" law, a crime where the person is classified as a high-risk sex offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder. Existing law requires these persons to be subject to parole supervision by the Department of Corrections and Rehabilitation following release from state prison and the jurisdiction of the court in the county in which the parolee is released or resides for the purpose of hearing petitions to revoke parole and impose a term of custody.

This bill would require persons subject to parole supervision to additionally be subject to the jurisdiction of the court in the county in which the alleged violation of supervision occurred for the purpose of hearing petitions to revoke parole and impose a term of custody. The bill would make conforming changes.

This bill would also require a person released to parole to remain on parole after having served 60 days on parole, regardless of a subsequent

determination that the person should have been released to postrelease community supervision. The bill would likewise require a person released to postrelease community supervision to remain on postrelease community supervision after having served 60 days on postrelease community supervision, regardless of a subsequent determination that the person should have been released to parole.

By requiring county agencies to supervise persons on postrelease community supervision who should have been released to parole, this bill would impose a state-mandated local program.

(6) Existing law provides for postrelease community supervision by county officials for persons convicted of certain specified felonies upon release from the state prison or a county jail. Existing law requires the Department of Corrections and Rehabilitation to release prescribed information to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease supervision, including the inmate's name, contact information, description, and the offense or offenses for which the inmate was incarcerated.

This bill would require the department to electronically transmit to the county agency responsible for postrelease community supervision the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the purpose of identifying the medical and mental health needs of the individual. The bill would require the information to be transferred in conformity with specified federal laws, including the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). Operation of the bill would be conditional on the Secretary of the United States Department of Health and Human Services, or his or her designee, determining that this provision is not preempted by HIPAA.

(7) Under existing law, when a prisoner is confined to county jail, an industrial farm, or a road camp, for each 4-day period in which he or she is confined, he or she may have one day or 2 days deducted from his or her period of confinement, as specified. Existing law allows any inmate sentenced to a county jail assigned to a conservation camp by a sheriff and who is eligible to earn one day of credit for every one day of incarceration to earn 2 days of credit for every one day of service. Existing law allows any inmate who has completed training for assignment to a conservation camp or to a state or county facility as an inmate firefighter or who is assigned to a county or state correctional institution as an inmate firefighter and who is eligible to earn one day of credit for every one day of incarceration to instead earn 2 days of

credit for every one day served in that assignment or after completing that training.

This bill would instead allow the sheriff or county director of corrections to award one and a half days credit for every day of incarceration to any inmate sentenced to the county jail who participates in an in custody work or job training program other than those specified above.

(8) Existing law establishes the Department of Corrections and Rehabilitation, which has jurisdiction over state prisons and parole of offenders released from state prisons.

This bill would require, except in prescribed emergencies, the Secretary of the Department of Corrections and Rehabilitation, or his or her designee, to provide written notification to any county impacted by the opening, closure, or change of location of any reception center that accepts prisoners from county facilities or a parole office and would require this notice to be sent to the California State Association of Counties, the California State Sheriffs' Association, and the Chief Probation Officers of California.

(9) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(10) The bill would appropriate \$2,000 from the California Bingo Fund to the Gambling Control Commission for the purpose of supporting workload associated with the licensing of remote caller bingo vendors, as provided.

(11) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 29552 of the Government Code is  
2 amended to read:  
3 29552. (a) (1) Commencing with the 2007–08 fiscal year, all  
4 counties and cities and counties that charged fees pursuant to

1 Section 29550 and cities with Type One detention facilities that  
 2 charged fees pursuant to Section 29550.3 during the 2006–07 fiscal  
 3 year may apply to the Controller to receive funding provided  
 4 pursuant to subdivision (b) that is equal to the fee revenue received  
 5 by the county, city and county, or city during the 2006–07 fiscal  
 6 year, to the extent that funding is appropriated therefore in the  
 7 annual budget act or other appropriation legislation. If insufficient  
 8 funds are appropriated to equal the full amount of fees received  
 9 in the 2006–07 fiscal year, each county, city and county and city  
 10 that applies for funding shall receive a share of the appropriated  
 11 funds proportionate to the share of fees it received in the 2006–07  
 12 fiscal year compared to the statewide total reported to the  
 13 Controller.

14 (2) The remaining portion of any amount appropriated for  
 15 purposes of this section shall be paid proportionally to all counties,  
 16 cities and counties, and cities based on the number of bookings  
 17 within each county during the year previous to the current payment.

18 (b) Commencing with the 2011–12 fiscal year, payments  
 19 authorized by this section shall be fully funded from the Local  
 20 Law Enforcement Services Account in the Local Revenue Fund  
 21 2011. The Controller shall allocate thirty-five million dollars  
 22 (\$35,000,000) of the moneys annually deposited in the Local Law  
 23 Enforcement Services Account in the Local Revenue Fund 2011  
 24 for purposes of these payments.

25 (c) Commencing with the 2012–13 fiscal year, the Controller  
 26 shall allocate funds from the Enhancing Law Enforcement  
 27 Activities Subaccount as follows:

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Alameda County	\$2,319,980
Amador County	\$21,403
City of Baldwin Park	\$4,539
Butte County	\$113,887
Calaveras County	\$8,559
Colusa County	\$7,017
Contra Costa County	\$1,897,056
Del Norte County	\$37,501
El Dorado County	\$89,793
City of Fremont	\$250,268
Fresno County	\$1,409,727



1	Glenn County	\$47,036
2	City of Hayward	\$11,098
3	Humboldt County	\$384,311
4	Inyo County	\$3,522
5	Kern County	\$732,680
6	Kings County	\$120,140
7	Lake County	\$84,030
8	Lassen County	\$24,041
9	Los Angeles County	\$676,989
10	Madera County	\$124,054
11	Marin County	\$222,060
12	Mendocino County	\$138,730
13	Merced County	\$219,669
14	Modoc County	\$3,244
15	Monterey County	\$613,463
16	City of Monterey	\$4,880
17	Napa County	\$107,578
18	Nevada County	\$94,239
19	City of Palm Springs	\$45,986
20	Placer County	\$464,844
21	City of Pomona	\$73,757
22	Riverside County	\$3,413,483
23	Sacramento County	\$2,247,151
24	San Benito County	\$32,312
25	San Bernardino County	\$2,758,057
26	San Diego County	\$5,818,271
27	San Joaquin County	\$796,780
28	San Luis Obispo County	\$456,312
29	San Mateo County	\$758,641
30	Santa Barbara County	\$502,813
31	Santa Clara County	\$3,165,148
32	Santa Cruz County	\$585,814
33	Shasta County	\$257,005
34	Siskiyou County	\$48,850
35	Solano County	\$848,012
36	Sonoma County	\$791,066
37	Stanislaus County	\$832,424
38	Sutter County	\$64,179
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Tehama County	\$50,421
Tulare County	\$829,642
Tuolumne County	\$32,612
Yolo County	\$310,820
Yuba County	\$44,106

(d) Commencing with the 2013–14 fiscal year, the Controller shall allocate funds from the Enhancing Law Enforcement Activities Subaccount in monthly installments. The annual payments to be made to each jurisdiction are as follows:

Alameda County	\$2,319,980
Amador County	\$21,403
City of Baldwin Park	\$4,539
Butte County	\$113,887
Calaveras County	\$8,559
Colusa County	\$7,017
Contra Costa County	\$1,897,056
Del Norte County	\$37,501
El Dorado County	\$89,793
City of Fremont	\$250,268
Fresno County	\$1,409,727
Glenn County	\$47,036
City of Hayward	\$11,098
Humboldt County	\$384,311
Inyo County	\$3,522
Kern County	\$732,680
Kings County	\$120,140
Lake County	\$84,030
Lassen County	\$24,041
Los Angeles County	\$676,989
Madera County	\$124,054
Marin County	\$222,060
Mendocino County	\$138,730
Merced County	\$219,669
Modoc County	\$3,244
Monterey County	\$613,463
City of Monterey	\$4,880
Napa County	\$107,578

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Nevada County	\$94,239
City of Palm Springs	\$45,986
Placer County	\$464,844
City of Pomona	\$73,757
Riverside County	\$3,413,483
Sacramento County	\$2,247,151
San Benito County	\$32,312
San Bernardino County	\$2,758,057
San Diego County	\$5,818,271
San Joaquin County	\$796,780
San Luis Obispo County	\$456,312
San Mateo County	\$758,641
Santa Barbara County	\$502,813
Santa Clara County	\$3,165,148
Santa Cruz County	\$585,814
Shasta County	\$257,005
Siskiyou County	\$48,850
Solano County	\$848,012
Sonoma County	\$791,066
Stanislaus County	\$832,424
Sutter County	\$64,179
Tehama County	\$50,421
Tulare County	\$829,642
Tuolumne County	\$32,612
Yolo County	\$310,820
Yuba County	\$44,106

SEC. 2. Section 30027.9 of the Government Code is amended to read:

30027.9. (a) (1) For the 2012–13 fiscal year, from the Sales and Use Tax Growth Account, the Controller shall allocate 65 percent to the Support Services Growth Subaccount and 35 percent to the Law Enforcement Services Growth Subaccount.

(2) For the 2013–14 fiscal year, from the Sales and Use Tax Growth Account, the Controller shall first allocate to the Support Services Account and the Law Enforcement Services Account the amounts necessary to provide full base funding or the appropriate level of funding as described in this section. If there are insufficient moneys to fully fund the accounts, the available funds shall be

1 distributed in the same proportions as the two accounts received  
2 from the Local Revenue Fund 2011 in the 2013–14 fiscal year. If  
3 there are funds remaining after base funding has been restored,  
4 the Controller shall allocate 65 percent of those remaining funds  
5 to the Support Services Growth Subaccount and 35 percent to the  
6 Law Enforcement Services Growth Subaccount.

7 (A) The amount necessary to provide the appropriate level of  
8 funding for the Law Enforcement Services Account shall be the  
9 sum of the following:

10 (i) The greater of the amounts that either the predecessor of the  
11 Trial Court Security Subaccount received in the 2011–12 fiscal  
12 year, or the total amount the Trial Court Security Subaccount and  
13 the Trial Court Security Growth Special Account received in the  
14 2012–13 fiscal year.

15 (ii) The greater of the amounts that either the predecessor of the  
16 Juvenile Justice Subaccount received in the 2011–12 fiscal year,  
17 or the total amount the Juvenile Justice Subaccount and the Juvenile  
18 Justice Growth Special Account received in the 2012–13 fiscal  
19 year.

20 (iii) The maximum amount authorized to be allocated pursuant  
21 to paragraph (2) of subdivision (e) of Section 30027.5 to the  
22 Community Corrections Subaccount.

23 (iv) The maximum amount authorized to be allocated pursuant  
24 to paragraph (3) of subdivision (e) of Section 30027.5 to the  
25 District Attorney and Public Defender Subaccount.

26 (B) The amount necessary to provide full base funding for the  
27 Support Services Account shall be the sum of the following:

28 (i) The maximum amount authorized to be allocated pursuant  
29 to paragraph (1) of subdivision (f) of Section 30027.5 to the  
30 Behavioral Health Subaccount.

31 (ii) The maximum amount authorized to be allocated pursuant  
32 to paragraph (2) of subdivision (f) of Section 30027.5 to the  
33 Protective Services Subaccount.

34 (3) For the 2014–15 fiscal year, from the Sales and Use Tax  
35 Growth Account, the Controller shall first allocate to the Support  
36 Services Account and the Law Enforcement Services Account the  
37 amounts necessary to provide full base funding or the appropriate  
38 level of funding as described in this section. If there are insufficient  
39 moneys to fully fund the accounts, the available funds shall be  
40 distributed in the same proportions as the two accounts received

1 from the Local Revenue Fund 2011 in the 2014–15 fiscal year. If  
2 there are funds remaining after base funding has been restored,  
3 the Controller shall allocate 65 percent of the remaining funds to  
4 the Support Services Growth Subaccount and 35 percent to the  
5 Law Enforcement Services Growth Subaccount.

6 (A) The amount necessary to provide the appropriate level of  
7 funding for the Law Enforcement Services Account shall be the  
8 sum of the following:

9 (i) The greater of either the total amount received by the Trial  
10 Court Security Subaccount and the Trial Court Security Growth  
11 Special Account in a single fiscal year beginning with the 2012–13  
12 fiscal year or the amount the applicable predecessor account  
13 received in the 2011–12 fiscal year.

14 (ii) The greater of either the total amount received by the  
15 Juvenile Justice Subaccount and the Juvenile Justice Growth  
16 Special Account in a single fiscal year beginning with the 2012–13  
17 fiscal year or the amount the applicable predecessor account  
18 received in the 2011–12 fiscal year.

19 (iii) The greatest amount received by the Community  
20 Corrections Subaccount in a single year beginning with the  
21 2012–13 fiscal year.

22 (iv) The greatest amount received by the District Attorney and  
23 Public Defender Subaccount in a single year beginning with the  
24 2012–13 fiscal year.

25 (B) The amount necessary to provide full funding for the Support  
26 Services Account shall be the sum of the following:

27 (i) The greater of either the maximum amount that could be  
28 allocated pursuant to paragraph (1) of subdivision (f) of Section  
29 30027.5 or the largest combined total amounts actually received  
30 by the Behavioral Health Subaccount and the Behavioral Health  
31 Services Growth Special Account in any single year beginning  
32 with the 2012–13 fiscal year.

33 (ii) The greater of either the maximum amount that was allocated  
34 pursuant to paragraph (2) of subdivision (f) of Section 30027.5,  
35 or the amount that was allocated pursuant to paragraph (2) of  
36 subdivision (f) of Section 30027.6, to the Protective Services  
37 Subaccount.

38 (4) For the 2015–16 fiscal year, and for each subsequent fiscal  
39 year, from the Sales and Use Tax Growth Account, the Controller  
40 shall first allocate to the Support Services Account and the Law

1 Enforcement Services Account the amounts necessary to provide  
2 full base funding as described in this section. If there are  
3 insufficient moneys to fully fund the accounts, the available funds  
4 shall be distributed in the same proportions as the two accounts  
5 received funding from the Local Revenue Fund 2011 in that fiscal  
6 year. If there are funds remaining after base funding has been  
7 restored, the Controller shall allocate 65 percent of the remaining  
8 funds to the Support Services Growth Subaccount and 35 percent  
9 to the Law Enforcement Services Growth Subaccount.

10 (A) The amount necessary to provide full base funding for the  
11 Law Enforcement Services Account shall be the sum of the  
12 following:

13 (i) The greater of either the total combined amount received by  
14 the Trial Court Security Subaccount and the Trial Court Security  
15 Growth Special Account in any single fiscal year beginning with  
16 the 2012–13 fiscal year or the amount the applicable predecessor  
17 account received in 2011–12.

18 (ii) The greater of either the total combined amount received  
19 by the Juvenile Justice Subaccount and the Juvenile Justice Growth  
20 Special Account in any single fiscal year beginning with the  
21 2012–13 fiscal year or the amount the applicable predecessor  
22 account received in 2011–12.

23 (iii) The greater of either the total combined amount received  
24 by the Community Corrections Subaccount and the Community  
25 Corrections Growth Special Account in any single fiscal year  
26 beginning with the 2014–15 fiscal year, or the highest amount the  
27 Community Corrections Subaccount or its predecessor was  
28 authorized to receive in any single fiscal year beginning with the  
29 2012–13 fiscal year.

30 (iv) The greater of either the total combined amount received  
31 by the District Attorney and Public Defender Subaccount and the  
32 District Attorney and Public Defender Growth Special Account  
33 in any single fiscal year beginning with the 2014–15 fiscal year,  
34 or the highest amount the District Attorney and Public Defender  
35 Subaccount or its predecessor was authorized to receive in any  
36 single fiscal year beginning with the 2012–13 fiscal year.

37 (B) The amount necessary to provide full base funding for the  
38 Support Services Account shall be the sum of the following:

39 (i) The greater of either the maximum amount that was allocated  
40 pursuant to paragraph (1) of subdivision (f) of Section 30027.5,

1 or the highest combined total amounts received by the Behavioral  
2 Health Subaccount and the Behavioral Health Services Growth  
3 Special Account, in any single fiscal year beginning with the  
4 2012–13 fiscal year.

5 (ii) The greatest of the following: the maximum amount that  
6 was allocated pursuant to paragraph (2) of subdivision (f) of  
7 Section 30027.5; the amount that was allocated pursuant to  
8 paragraph (2) of subdivision (f) of Section 30027.6 for the  
9 Protective Services Subaccount; or the highest combined total  
10 amount received by the Protective Services Subaccount and the  
11 Protective Services Growth Special Account in any single fiscal  
12 year beginning with the 2012–13 fiscal year.

13 (b) (1) Commencing with the 2012–13 fiscal year, the  
14 Controller shall allocate funds from the Law Enforcement Services  
15 Growth Subaccount as follows:

16 (A) Ten percent to the Trial Court Security Growth Special  
17 Account.

18 (B) Five percent to the District Attorney and Public Defender  
19 Growth Special Account.

20 (C) Ten percent to the Juvenile Justice Growth Special Account.

21 (D) Seventy-five percent to the Community Corrections Growth  
22 Special Account.

23 (2) The total allocations to the Trial Court Security Growth  
24 Special Account and the Juvenile Justice Growth Special Account  
25 shall be included in the year to which the growth is attributable  
26 when determining the base funding level for the Trial Court  
27 Security Subaccount and the Juvenile Justice Subaccount  
28 respectively, beginning in the 2013–14 fiscal year. The total  
29 allocations to the District Attorney and Public Defender Growth  
30 Special Account and the Community Corrections Growth Special  
31 Account shall be included in the year to which the growth is  
32 attributable when determining the base allocation for the respective  
33 subaccounts of those accounts beginning in the 2015–16 fiscal  
34 year.

35 (c) In the 2012–13 fiscal year, the Controller shall allocate funds  
36 from the Support Services Growth Subaccount as follows:

37 (1) Five percent to the Mental Health Subaccount of the Sales  
38 Tax Account in the Local Revenue Fund as established by  
39 paragraph (1) of subdivision (b) of Section 17600 of the Welfare  
40 and Institutions Code.

1 (2) Forty percent to the Protective Services Growth Special  
2 Account for the provision of child welfare services.  
3 (3) To the Protective Services Growth Special Account: 42.03  
4 percent.  
5 (4) To the Behavioral Health Services Growth Special Account:  
6 12.97 percent.  
7 (d) (1) Beginning in the 2013–14 fiscal year, and until the  
8 Director of Finance provides to the Controller the certification  
9 described in paragraph (3), the Controller shall allocate funds from  
10 the Support Services Growth Subaccount as follows:  
11 (A) Five percent to the Mental Health Subaccount of the Sales  
12 Tax Account in the Local Revenue Fund as established by  
13 paragraph (1) of subdivision (b) of Section 17600 of the Welfare  
14 and Institutions Code.  
15 (B) Forty percent to the Protective Services Growth Special  
16 Account for the provision of child welfare services.  
17 (C) To the Protective Services Growth Special Account: 21.81  
18 percent.  
19 (D) To the Behavioral Health Services Growth Special Account:  
20 33.19 percent.  
21 (2) The total allocations to the Protective Services Growth  
22 Special Account and the Behavioral Health Services Growth  
23 Special Account provided by this subdivision shall be included as  
24 funding in the year in which the allocation is made for determining  
25 the base funding level for the following fiscal year.  
26 (3) Once a total of two hundred million dollars (\$200,000,000)  
27 has been allocated to the Protective Services Growth Special  
28 Account pursuant to paragraph (2) of subdivision (c) and  
29 subparagraph (B) of paragraph (1), the Director of Finance shall  
30 certify that fact to the Controller. Upon that certification, this  
31 subdivision shall become inoperative.  
32 (e) (1) In every fiscal year, after subdivision (d) becomes  
33 inoperative, the Controller shall allocate funds from the Support  
34 Services Growth Subaccount as follows:  
35 (A) Five percent to the Mental Health Subaccount of the Sales  
36 Tax Account in the Local Revenue Fund as established by  
37 paragraph (1) of subdivision (b) of Section 17600 of the Welfare  
38 and Institutions Code.  
39 (B) Forty-five percent to the Protective Services Growth Special  
40 Account.



1 (C) Fifty percent to the Behavioral Health Services Growth  
2 Special Account.

3 (2) The total allocations to the Protective Services Growth  
4 Special Account and Behavioral Health Services Growth Special  
5 Account provided by this section shall be included as funding in  
6 the year in which the allocation is made for determining the base  
7 funding level for the following fiscal year.

8 SEC. 3. Section 30061 of the Government Code is amended  
9 to read:

10 30061. (a) There shall be established in each county treasury  
11 a Supplemental Law Enforcement Services Account (SLESA), to  
12 receive all amounts allocated to a county for purposes of  
13 implementing this chapter.

14 (b) In any fiscal year for which a county receives moneys to be  
15 expended for the implementation of this chapter, the county auditor  
16 shall allocate the moneys in the county's SLESA within 30 days  
17 of the deposit of those moneys into the fund. The moneys shall be  
18 allocated as follows:

19 (1) Five and fifteen-hundredths percent to the county sheriff for  
20 county jail construction and operation. In the case of Madera,  
21 Napa, and Santa Clara Counties, this allocation shall be made to  
22 the county director or chief of corrections.

23 (2) Five and fifteen-hundredths percent to the district attorney  
24 for criminal prosecution.

25 (3) Thirty-nine and seven-tenths percent to the county and the  
26 cities within the county, and, in the case of San Mateo, Kern,  
27 Siskiyou, and Contra Costa Counties, also to the Broadmoor Police  
28 Protection District, the Bear Valley Community Services District,  
29 the Stallion Springs Community Services District, the Lake  
30 Shastina Community Services District, and the Kensington Police  
31 Protection and Community Services District, in accordance with  
32 the relative population of the cities within the county and the  
33 unincorporated area of the county, and the Broadmoor Police  
34 Protection District in the County of San Mateo, the Bear Valley  
35 Community Services District and the Stallion Springs Community  
36 Services District in Kern County, the Lake Shastina Community  
37 Services District in Siskiyou County, and the Kensington Police  
38 Protection and Community Services District in Contra Costa  
39 County, as specified in the most recent January estimate by the  
40 population research unit of the Department of Finance, and as

1 adjusted to provide, except as provided in subdivision (j), a grant  
2 of at least one hundred thousand dollars (\$100,000) to each law  
3 enforcement jurisdiction. For a newly incorporated city whose  
4 population estimate is not published by the Department of Finance,  
5 but that was incorporated prior to July 1 of the fiscal year in which  
6 an allocation from the SLESA is to be made, the city manager, or  
7 an appointee of the legislative body, if a city manager is not  
8 available, and the county administrative or executive officer shall  
9 prepare a joint notification to the Department of Finance and the  
10 county auditor with a population estimate reduction of the  
11 unincorporated area of the county equal to the population of the  
12 newly incorporated city by July 15, or within 15 days after the  
13 Budget Act is enacted, of the fiscal year in which an allocation  
14 from the SLESA is to be made. No person residing within the  
15 Broadmoor Police Protection District, the Bear Valley Community  
16 Services District, the Stallion Springs Community Services District,  
17 the Lake Shastina Community Services District, or the Kensington  
18 Police Protection and Community Services District shall also be  
19 counted as residing within the unincorporated area of the County  
20 of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city  
21 located within those counties. Except as provided in subdivision  
22 (j), the county auditor shall allocate a grant of at least one hundred  
23 thousand dollars (\$100,000) to each law enforcement jurisdiction.  
24 Moneys allocated to the county pursuant to this subdivision shall  
25 be retained in the county SLESA, and moneys allocated to a city  
26 pursuant to this subdivision shall be deposited in an SLESA  
27 established in the city treasury.

28 (4) Fifty percent to the county or city and county to implement  
29 a comprehensive multiagency juvenile justice plan as provided in  
30 this paragraph. The juvenile justice plan shall be developed by the  
31 local juvenile justice coordinating council in each county and city  
32 and county with the membership described in Section 749.22 of  
33 the Welfare and Institutions Code. If a plan has been previously  
34 approved by the Corrections Standards Authority or, commencing  
35 July 1, 2012, by the Board of State and Community Corrections,  
36 the plan shall be reviewed and modified annually by the council.  
37 The plan or modified plan shall be approved by the county board  
38 of supervisors, and in the case of a city and county, the plan shall  
39 also be approved by the mayor. The plan or modified plan shall

1 be submitted to the Board of State and Community Corrections  
2 by May 1 of each year.

3 (A) Juvenile justice plans shall include, but not be limited to,  
4 all of the following components:

5 (i) An assessment of existing law enforcement, probation,  
6 education, mental health, health, social services, drug and alcohol,  
7 and youth services resources that specifically target at-risk  
8 juveniles, juvenile offenders, and their families.

9 (ii) An identification and prioritization of the neighborhoods,  
10 schools, and other areas in the community that face a significant  
11 public safety risk from juvenile crime, such as gang activity,  
12 daylight burglary, late-night robbery, vandalism, truancy, controlled  
13 substances sales, firearm-related violence, and juvenile substance  
14 abuse and alcohol use.

15 (iii) A local juvenile justice action strategy that provides for a  
16 continuum of responses to juvenile crime and delinquency and  
17 demonstrates a collaborative and integrated approach for  
18 implementing a system of swift, certain, and graduated responses  
19 for at-risk youth and juvenile offenders.

20 (iv) Programs identified in clause (iii) that are proposed to be  
21 funded pursuant to this subparagraph, including the projected  
22 amount of funding for each program.

23 (B) Programs proposed to be funded shall satisfy all of the  
24 following requirements:

25 (i) Be based on programs and approaches that have been  
26 demonstrated to be effective in reducing delinquency and  
27 addressing juvenile crime for any elements of response to juvenile  
28 crime and delinquency, including prevention, intervention,  
29 suppression, and incapacitation.

30 (ii) Collaborate and integrate services of all the resources set  
31 forth in clause (i) of subparagraph (A), to the extent appropriate.

32 (iii) Employ information sharing systems to ensure that county  
33 actions are fully coordinated, and designed to provide data for  
34 measuring the success of juvenile justice programs and strategies.

35 (iv) Adopt goals related to the outcome measures that shall be  
36 used to determine the effectiveness of the local juvenile justice  
37 action strategy.

38 (C) The plan shall also identify the specific objectives of the  
39 programs proposed for funding and specified outcome measures  
40 to determine the effectiveness of the programs and contain an

1 accounting for all program participants, including those who do  
2 not complete the programs. Outcome measures of the programs  
3 proposed to be funded shall include, but not be limited to, all of  
4 the following:

5 (i) The rate of juvenile arrests per 100,000 population.  
6 (ii) The rate of successful completion of probation.  
7 (iii) The rate of successful completion of restitution and  
8 court-ordered community service responsibilities.

9 (iv) Arrest, incarceration, and probation violation rates of  
10 program participants.

11 (v) Quantification of the annual per capita costs of the program.

12 (D) The Board of State and Community Corrections shall review  
13 plans or modified plans submitted pursuant to this paragraph within  
14 30 days upon receipt of submitted or resubmitted plans or modified  
15 plans. The board shall approve only those plans or modified plans  
16 that fulfill the requirements of this paragraph, and shall advise a  
17 submitting county or city and county immediately upon the  
18 approval of its plan or modified plan. The board shall offer, and  
19 provide, if requested, technical assistance to any county or city  
20 and county that submits a plan or modified plan not in compliance  
21 with the requirements of this paragraph. The SLESA shall only  
22 allocate funding pursuant to this paragraph upon notification from  
23 the board that a plan or modified plan has been approved.

24 (E) To assess the effectiveness of programs funded pursuant to  
25 this paragraph using the program outcome criteria specified in  
26 subparagraph (C), the following periodic reports shall be submitted:

27 (i) Each county or city and county shall report, beginning  
28 October 15, 2002, and annually each October 15 thereafter, to the  
29 county board of supervisors and the Board of State and Community  
30 Corrections, in a format specified by the board, on the programs  
31 funded pursuant to this chapter and program outcomes as specified  
32 in subparagraph (C).

33 (ii) The Board of State and Community Corrections shall  
34 compile the local reports and, by March 15, 2003, and annually  
35 thereafter, make a report to the Governor and the Legislature on  
36 program expenditures within each county and city and county from  
37 the appropriation for the purposes of this paragraph, on the  
38 outcomes as specified in subparagraph (C) of the programs funded  
39 pursuant to this paragraph and the statewide effectiveness of the  
40 comprehensive multiagency juvenile justice plans.

1 (c) Subject to subdivision (d), for each fiscal year in which the  
2 county, each city, the Broadmoor Police Protection District, the  
3 Bear Valley Community Services District, the Stallion Springs  
4 Community Services District, the Lake Shastina Community  
5 Services District, and the Kensington Police Protection and  
6 Community Services District receive moneys pursuant to paragraph  
7 (3) of subdivision (b), the county, each city, and each district  
8 specified in this subdivision shall appropriate those moneys in  
9 accordance with the following procedures:

10 (1) In the case of the county, the county board of supervisors  
11 shall appropriate existing and anticipated moneys exclusively to  
12 provide frontline law enforcement services, other than those  
13 services specified in paragraphs (1) and (2) of subdivision (b), in  
14 the unincorporated areas of the county, in response to written  
15 requests submitted to the board by the county sheriff and the district  
16 attorney. Any request submitted pursuant to this paragraph shall  
17 specify the frontline law enforcement needs of the requesting  
18 entity, and those personnel, equipment, and programs that are  
19 necessary to meet those needs.

20 (2) In the case of a city, the city council shall appropriate  
21 existing and anticipated moneys exclusively to fund frontline  
22 municipal police services, in accordance with written requests  
23 submitted by the chief of police of that city or the chief  
24 administrator of the law enforcement agency that provides police  
25 services for that city.

26 (3) In the case of the Broadmoor Police Protection District  
27 within the County of San Mateo, the Bear Valley Community  
28 Services District or the Stallion Springs Community Services  
29 District within Kern County, the Lake Shastina Community  
30 Services District within Siskiyou County, or the Kensington Police  
31 Protection and Community Services District within Contra Costa  
32 County, the legislative body of that special district shall appropriate  
33 existing and anticipated moneys exclusively to fund frontline  
34 municipal police services, in accordance with written requests  
35 submitted by the chief administrator of the law enforcement agency  
36 that provides police services for that special district.

37 (d) For each fiscal year in which the county, a city, or the  
38 Broadmoor Police Protection District within the County of San  
39 Mateo, the Bear Valley Community Services District or the Stallion  
40 Springs Community Services District within Kern County, the

1 Lake Shastina Community Services District within Siskiyou  
2 County, or the Kensington Police Protection and Community  
3 Services District within Contra Costa County receives any moneys  
4 pursuant to this chapter, in no event shall the governing body of  
5 any of those recipient agencies subsequently alter any previous,  
6 valid appropriation by that body, for that same fiscal year, of  
7 moneys allocated to the county or city pursuant to paragraph (3)  
8 of subdivision (b).

9 (e) For the 2011–12 fiscal year, the Controller shall allocate  
10 23.54 percent of the amount deposited in the Local Law  
11 Enforcement Services Account in the Local Revenue Fund 2011  
12 for the purposes of paragraphs (1), (2), and (3) of subdivision (b),  
13 and shall allocate 23.54 percent for purposes of paragraph (4) of  
14 subdivision (b).

15 (f) Commencing with the 2012–13 fiscal year, the Controller  
16 shall allocate 21.86 percent of the amount deposited in the  
17 Enhancing Law Enforcement Activities Subaccount in the Local  
18 Revenue Fund 2011 for the purposes of paragraphs (1) to (3),  
19 inclusive, of subdivision (b), and shall allocate 21.86 percent for  
20 purposes of paragraph (4) of subdivision (b).

21 (g) Commencing with the 2013–14 fiscal year, the Controller  
22 shall allocate funds in monthly installments to local jurisdictions  
23 for public safety in accordance with this section as annually  
24 calculated by the Director of Finance.

25 (h) Funds received pursuant to subdivision (b) shall be expended  
26 or encumbered in accordance with this chapter no later than June  
27 30 of the following fiscal year. A local agency that has not met  
28 the requirement of this subdivision shall remit unspent SLESA  
29 moneys received after April 1, 2009, to the Controller for deposit  
30 in the Local Safety and Protection Account, after April 1, 2012,  
31 to the Local Law Enforcement Services Account, and after July  
32 1, 2012, to the County Enhancing Law Enforcement Activities  
33 Subaccount.

34 (i) In the 2010–11 fiscal year, if the fourth quarter revenue  
35 derived from fees imposed by subdivision (a) of Section 10752.2  
36 of the Revenue and Taxation Code that are deposited in the General  
37 Fund and transferred to the Local Safety and Protection Account,  
38 and continuously appropriated to the Controller for allocation  
39 pursuant to this section, are insufficient to provide a minimum  
40 grant of one hundred thousand dollars (\$100,000) to each law

1 enforcement jurisdiction, the county auditor shall allocate the  
 2 revenue proportionately, based on the allocation schedule in  
 3 paragraph (3) of subdivision (b). The county auditor shall  
 4 proportionately allocate, based on the allocation schedule in  
 5 paragraph (3) of subdivision (b), all revenues received after the  
 6 distribution of the fourth quarter allocation attributable to these  
 7 fees for which payment was due prior to July 1, 2011, until all  
 8 minimum allocations are fulfilled, at which point all remaining  
 9 revenue shall be distributed proportionately among the other  
 10 jurisdictions.

11 SEC. 4. Section 30070 of the Government Code is amended  
 12 to read:

13 30070. (a) For the 2011–12 fiscal year, the program authorized  
 14 by this chapter shall be funded from the Local Law Enforcement  
 15 Services Account in the Local Revenue Fund 2011. The Controller  
 16 shall, on a quarterly basis, beginning on October 1, 2011, allocate  
 17 4.07 percent of the moneys annually deposited in the Local Law  
 18 Enforcement Services Account. Commencing with the 2012–13  
 19 fiscal year, the program authorized by this chapter shall be funded  
 20 from the Enhancing Law Enforcement Activities Subaccount in  
 21 the Local Revenue Fund 2011. The Controller shall allocate 3.78  
 22 percent of the moneys annually deposited in the Enhancing Law  
 23 Enforcement Activities Subaccount in the Local Revenue Fund  
 24 2011. Commencing with the 2013–14 fiscal year, funds shall be  
 25 allocated in monthly installments to county sheriffs’ departments  
 26 to enhance law enforcement efforts in the counties specified in  
 27 paragraphs (1) to (37), inclusive, according to the following  
 28 schedule:

29

30	(1) Alpine County .....	2.7027%
31	(2) Amador County .....	2.7027%
32	(3) Butte County .....	2.7027%
33	(4) Calaveras County .....	2.7027%
34	(5) Colusa County .....	2.7027%
35	(6) Del Norte County .....	2.7027%
36	(7) El Dorado County .....	2.7027%
37	(8) Glenn County .....	2.7027%
38	(9) Humboldt County .....	2.7027%
39	(10) Imperial County .....	2.7027%
40	(11) Inyo County .....	2.7027%

1	(12) Kings County .....	2.7027%
2	(13) Lake County .....	2.7027%
3	(14) Lassen County .....	2.7027%
4	(15) Madera County .....	2.7027%
5	(16) Marin County .....	2.7027%
6	(17) Mariposa County .....	2.7027%
7	(18) Mendocino County .....	2.7027%
8	(19) Merced County .....	2.7027%
9	(20) Modoc County .....	2.7027%
10	(21) Mono County .....	2.7027%
11	(22) Napa County .....	2.7027%
12	(23) Nevada County .....	2.7027%
13	(24) Placer County .....	2.7027%
14	(25) Plumas County .....	2.7027%
15	(26) San Benito County .....	2.7027%
16	(27) San Luis Obispo County .....	2.7027%
17	(28) Santa Cruz County .....	2.7027%
18	(29) Shasta County .....	2.7027%
19	(30) Sierra County .....	2.7027%
20	(31) Siskiyou County .....	2.7027%
21	(32) Sutter County .....	2.7027%
22	(33) Tehama County .....	2.7027%
23	(34) Trinity County .....	2.7027%
24	(35) Tuolumne County .....	2.7027%
25	(36) Yolo County .....	2.7027%
26	(37) Yuba County .....	2.7027%

27

28 (b) Funds allocated pursuant to this section shall be used to  
29 supplement rather than supplant existing law enforcement  
30 resources.

31 (c) The funds allocated pursuant to this section may not be used  
32 for any video surveillance or monitoring of the general public.

33 SEC. 5. Section 326.3 of the Penal Code is amended to read:

34 326.3. (a) The Legislature finds and declares all of the  
35 following:

36 (1) Nonprofit organizations provide important and essential  
37 educational, philanthropic, and social services to the people of the  
38 state.

39 (2) One of the great strengths of California is a vibrant nonprofit  
40 sector.



1 (3) Nonprofit and philanthropic organizations touch the lives  
2 of every Californian through service and employment.

3 (4) Many of these services would not be available if nonprofit  
4 organizations did not provide them.

5 (5) There is a need to provide methods of fundraising to  
6 nonprofit organizations to enable them to provide these essential  
7 services.

8 (6) Historically, many nonprofit organizations have used  
9 charitable bingo as one of their key fundraising strategies to  
10 promote the mission of the charity.

11 (7) Legislation is needed to provide greater revenues for  
12 nonprofit organizations to enable them to fulfill their charitable  
13 purposes, and especially to meet their increasing social service  
14 obligations.

15 (8) Legislation is also needed to clarify that existing law requires  
16 that all charitable bingo must be played using a tangible card and  
17 that the only permissible electronic devices to be used by charitable  
18 bingo players are card-minding devices.

19 (b) Neither the prohibition on gambling in this chapter nor in  
20 Chapter 10 (commencing with Section 330) applies to any remote  
21 caller bingo game that is played or conducted in a city, county, or  
22 city and county pursuant to an ordinance enacted under Section  
23 19 of Article IV of the California Constitution, if the ordinance  
24 allows a remote caller bingo game to be played or conducted only  
25 in accordance with this section, including the following  
26 requirements:

27 (1) The game may be conducted only by the following  
28 organizations:

29 (A) An organization that is exempted from the payment of the  
30 taxes imposed under the Corporation Tax Law by Section 23701a,  
31 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or  
32 23701w of the Revenue and Taxation Code.

33 (B) A mobilehome park association.

34 (C) A senior citizens' organization.

35 (D) Charitable organizations affiliated with a school district.

36 (2) The organization conducting the game shall have been  
37 incorporated or in existence for three years or more.

38 (3) The organization conducting the game shall be licensed  
39 pursuant to subdivision (l) of Section 326.5.

1 (4) The receipts of the game shall be used only for charitable  
 2 purposes. The organization conducting the game shall determine  
 3 the disbursement of the net receipts of the game.

4 (5) The operation of bingo may not be the primary purpose for  
 5 which the organization is organized.

6 (c) (1) A city, county, or city and county may adopt an  
 7 ordinance in substantially the following form to authorize remote  
 8 caller bingo in accordance with the requirements of subdivision

9 (b):

10

11 Sec.   .01. Legislative Authorization.

12 This chapter is adopted pursuant to Section 19 of Article IV of  
 13 the California Constitution, as implemented by Sections 326.3 and  
 14 326.4 of the Penal Code.

15 Sec.   .02. Remote Caller Bingo Authorized.

16 Remote Caller Bingo may be lawfully played in the [City,  
 17 County, or City and County] pursuant to the provisions of Sections  
 18 326.3 and 326.4 of the Penal Code, and this chapter, and not  
 19 otherwise.

20 Sec.   .03. Qualified Applicants: Applicants for Licensure.

21 (a) The following organizations are qualified to apply to the  
 22 License Official for a license to operate a bingo game if the receipts  
 23 of those games are used only for charitable purposes:

24 (1) An organization exempt from the payment of the taxes  
 25 imposed under the Corporation Tax Law by Section 23701a,  
 26 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or  
 27 23701w of the Revenue and Taxation Code.

28 (2) A mobile home park association of a mobile home park that  
 29 is situated in the [City, County, or City and County].

30 (3) Senior citizen organizations.

31 (4) Charitable organizations affiliated with a school district.

32 (b) The application shall be in a form prescribed by the License  
 33 Official and shall be accompanied by a nonrefundable filing fee  
 34 in an amount determined by resolution of the [Governing Body of  
 35 the City, County, or City and County] from time to time. The  
 36 following documentation shall be attached to the application, as  
 37 applicable:

38 (1) A certificate issued by the Franchise Tax Board certifying  
 39 that the applicant is exempt from the payment of the taxes imposed  
 40 under the Corporation Tax Law pursuant to Section 23701a,

1 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or  
2 23701w of the Revenue and Taxation Code. In lieu of a certificate  
3 issued by the Franchise Tax Board, the License Official may refer  
4 to the Franchise Tax Board’s Internet Web site to verify that the  
5 applicant is exempt from the payment of the taxes imposed under  
6 the Corporation Tax Law.

7 (2) Other evidence as the License Official determines is  
8 necessary to verify that the applicant is a duly organized mobile  
9 home park association of a mobile home park situated in the [City,  
10 County, or City and County].

11 Sec. .04. License Application: Verification.

12 The license shall not be issued until the License Official has  
13 verified the facts stated in the application and determined that the  
14 applicant is qualified.

15 Sec. .05. Annual Licenses.

16 A license issued pursuant to this chapter shall be valid until the  
17 end of the calendar year, at which time the license shall expire. A  
18 new license shall only be obtained upon filing a new application  
19 and payment of the license fee. The fact that a license has been  
20 issued to an applicant creates no vested right on the part of the  
21 licensee to continue to offer bingo for play. The [Governing Body  
22 of the City, County, or City and County] expressly reserves the  
23 right to amend or repeal this chapter at any time by resolution. If  
24 this chapter is repealed, all licenses issued pursuant to this chapter  
25 shall cease to be effective for any purpose on the effective date of  
26 the repealing resolution.

27 Sec. .06. Conditions of Licensure.

28 (a) Any license issued pursuant to this chapter shall be subject  
29 to the conditions contained in Sections 326.3 and 326.4 of the  
30 Penal Code, and each licensee shall comply with the requirements  
31 of those provisions.

32 (b) Each license issued pursuant to this chapter shall be subject  
33 to the following additional conditions:

34 (1) Bingo games shall not be conducted by any licensee on more  
35 than two days during any week, except that a licensee may hold  
36 one additional game, at its election, in each calendar quarter.

37 (2) The licensed organization is responsible for ensuring that  
38 the conditions of this chapter and Sections 326.3 and 326.4 of the  
39 Penal Code are complied with by the organization and its officers  
40 and members. A violation of any one or more of those conditions

1 or provisions shall constitute cause for the revocation of the  
2 organization's license. At the request of the organization, the  
3 [Governing Body of the City, County, or City and County] shall  
4 hold a public hearing before revoking any license issued pursuant  
5 to this chapter.

6 (3) Nothing in this section shall require a city, county, or city  
7 and county to use this model ordinance in order to authorize remote  
8 caller bingo.

9 (d) It is a misdemeanor for any person to receive or pay a profit,  
10 wage, or salary from any remote caller bingo game, provided that  
11 administrative, managerial, technical, financial, and security  
12 personnel employed by the organization conducting the bingo  
13 game may be paid reasonable fees for services rendered from the  
14 revenues of bingo games, as provided in subdivision(l), except  
15 that fees paid under those agreements shall not be determined as  
16 a percentage of receipts or other revenues from, or be dependent  
17 on the outcome of, the game.

18 (e) A violation of subdivision (d) shall be punishable by a fine  
19 not to exceed ten thousand dollars (\$10,000), which fine shall be  
20 deposited in the general fund of the city, county, or city and county  
21 that enacted the ordinance authorizing the remote caller bingo  
22 game. A violation of any provision of this section, other than  
23 subdivision (d), is a misdemeanor.

24 (f) The city, county, or city and county that enacted the  
25 ordinance authorizing the remote caller bingo game, or the Attorney  
26 General, may bring an action to enjoin a violation of this section.

27 (g) No minors shall be allowed to participate in any remote  
28 caller bingo game.

29 (h) A remote caller bingo game shall include only sites that are  
30 located within this state.

31 (i) An organization authorized to conduct a remote caller bingo  
32 game pursuant to subdivision (b) shall conduct the game only on  
33 property that is owned or leased by the organization, or the use of  
34 which is donated to the organization. Nothing in this subdivision  
35 shall be construed to require that the property that is owned or  
36 leased by, or the use of which is donated to, the organization be  
37 used or leased exclusively by, or donated exclusively to, that  
38 organization.

1 (j) (1) All remote caller bingo games shall be open to the public,  
2 and shall not be limited to the members of the authorized  
3 organization.

4 (2) No more than 750 players may participate in a remote caller  
5 bingo game in a single location.

6 (3) If the Governor or the President declares a state of  
7 emergency in response to a natural disaster or other public  
8 catastrophe occurring in California, an organization authorized to  
9 conduct remote caller bingo games may, while that declaration is  
10 in effect, conduct a remote caller bingo game pursuant to this  
11 section with more than 750 participants in a single venue if the net  
12 proceeds of the game, after deduction of prizes and overhead  
13 expenses, are donated to or expended exclusively for the relief of  
14 the victims of the disaster or catastrophe, and the organization  
15 gives, for each participating remote caller bingo site, the  
16 department and local law enforcement at least 10 days' written  
17 notice of the intent to conduct that game.

18 (4) For each participating remote caller bingo site, an  
19 organization authorized to conduct remote caller bingo games shall  
20 provide the department and local law enforcement with at least 30  
21 days' advance written notice of its intent to conduct a remote caller  
22 bingo game. That notice shall include all of the following:

23 (A) The legal name of the organization and the address of record  
24 of the agent upon whom legal notice may be served.

25 (B) The locations of the caller and remote players, whether the  
26 property is owned by the organization or donated, and if donated,  
27 by whom.

28 (C) The name of the licensed caller and site manager.

29 (D) The names of administrative, managerial, technical,  
30 financial, and security personnel employed.

31 (E) The name of the vendor and any person or entity maintaining  
32 the equipment used to operate and transmit the game.

33 (F) The name of the person designated as having a fiduciary  
34 responsibility for the game pursuant to paragraph (2) of subdivision  
35 (k).

36 (G) The license numbers of all persons specified in  
37 subparagraphs (A) to (F), inclusive, who are required to be licensed.

38 (H) A copy of the local ordinance for any city, county, or city  
39 and county in which the game will be played. The commission  
40 shall post the ordinance on its Internet Web site.

1 (I) A copy of the license issued to the organization by the  
2 governing body of the city, county, or city and county pursuant to  
3 subdivision (b).

4 (k) (1) A remote caller bingo game shall be operated and staffed  
5 only by members of the authorized organization that organized it.  
6 Those members shall not receive a profit, wage, or salary from  
7 any remote caller bingo game. Only the organization authorized  
8 to conduct a remote caller bingo game shall operate that game, or  
9 participate in the promotion, supervision, or any other phase of a  
10 remote caller bingo game. Subject to subdivision (m), this  
11 subdivision shall not preclude the employment of administrative,  
12 managerial, technical, financial, or security personnel who are not  
13 members of the authorized organization at a location participating  
14 in the remote caller bingo game by the organization conducting  
15 the game. Notwithstanding any other law, exclusive or other  
16 agreements between the authorized organization and other entities  
17 or persons to provide services in the administration, management,  
18 or conduct of the game shall not be considered a violation of the  
19 prohibition against holding a legally cognizable financial interest  
20 in the conduct of the remote caller bingo game by persons or  
21 entities other than the charitable organization, or other entity  
22 authorized to conduct the remote caller bingo games, if those  
23 persons or entities obtain the gambling licenses, the key employee  
24 licenses, or the work permits required by, and otherwise comply  
25 with, Chapter 5 (commencing with Section 19800) of Division 8  
26 of the Business and Professions Code. Fees to be paid under those  
27 agreements shall be reasonable and shall not be determined as a  
28 percentage of receipts or other revenues from, or be dependent on  
29 the outcome of, the game.

30 (2) An organization that conducts a remote caller bingo game  
31 shall designate a person as having fiduciary responsibility for the  
32 game.

33 (l) No individual, corporation, partnership, or other legal entity,  
34 except the organization authorized to conduct or participate in a  
35 remote caller bingo game, shall hold a legally cognizable financial  
36 interest in the conduct of that game.

37 (m) An organization authorized to conduct a remote caller bingo  
38 game pursuant to this section shall not have overhead costs  
39 exceeding 20 percent of gross sales, except that the limitations of  
40 this section shall not apply to one-time, nonrecurring capital

1 acquisitions. For purposes of this subdivision, “overhead costs”  
2 includes, but is not limited to, amounts paid for rent and equipment  
3 leasing and the reasonable fees authorized to be paid to  
4 administrative, managerial, technical, financial, and security  
5 personnel employed by the organization pursuant to subdivision  
6 (d). For the purpose of keeping its overhead costs below 20 percent  
7 of gross sales, an authorized organization may elect to deduct all  
8 or a portion of the fees paid to financial institutions for the use and  
9 processing of credit card sales from the amount of gross revenues  
10 awarded for prizes. In that case, the redirected fees for the use and  
11 processing of credit card sales shall not be included in “overhead  
12 costs” as defined in the California Remote Caller Bingo Act.  
13 Additionally, fees paid to financial institutions for the use and  
14 processing of credit card sales shall not be deducted from the  
15 proceeds retained by the charitable organization.

16 (n) No person shall be allowed to participate in a remote caller  
17 bingo game unless the person is physically present at the time and  
18 place where the remote caller bingo game is being conducted. A  
19 person shall be deemed to be physically present at the place where  
20 the remote caller bingo game is being conducted if he or she is  
21 present at any of the locations participating in the remote caller  
22 bingo game in accordance with this section.

23 (o) (1) An organization shall not cosponsor a remote caller  
24 bingo game with one or more other organizations unless one of  
25 the following is true:

26 (A) All of the cosponsors are affiliated under the master charter  
27 or articles and bylaws of a single organization.

28 (B) All of the cosponsors are affiliated through an organization  
29 described in paragraph (1) of subdivision (b), and have the same  
30 Internal Revenue Service activity code.

31 (2) Notwithstanding paragraph (1), a maximum of 10  
32 unaffiliated organizations described in paragraph (1) of subdivision  
33 (b) may enter into an agreement to cosponsor a remote caller game,  
34 but that game shall have no more than 10 locations.

35 (3) An organization shall not conduct remote caller bingo more  
36 than two days per week.

37 (4) Before sponsoring or operating any game authorized under  
38 paragraph (1) or (2), each of the cosponsoring organizations shall  
39 have entered into a written agreement, a copy of which shall be  
40 provided to the commission, setting forth how the expenses and

1 proceeds of the game are to be allocated among the participating  
2 organizations, the bank accounts into which all receipts are to be  
3 deposited and from which all prizes are to be paid, and how game  
4 records are to be maintained and subjected to annual audit.

5 (p) The value of prizes awarded during the conduct of any  
6 remote caller bingo game shall not exceed 37 percent of the gross  
7 receipts for that game. When an authorized organization elects to  
8 deduct fees paid for the use and processing of credit card sales  
9 from the amount of gross revenues for that game awarded for  
10 prizes, the maximum amount of gross revenues that may be  
11 awarded for prizes shall not exceed 37 percent of the gross receipts  
12 for that game, less the amount of redirected fees paid for the use  
13 and processing of credit card sales. Every remote caller bingo game  
14 shall be played until a winner is declared. Progressive prizes are  
15 prohibited. The declared winner of a remote caller bingo game  
16 shall provide his or her identifying information and a mailing  
17 address to the onsite manager of the remote caller bingo game.  
18 Prizes shall be paid only by check; no cash prizes shall be paid.  
19 The organization conducting the remote caller bingo game may  
20 issue a check to the winner at the time of the game, or may send  
21 a check to the declared winner by United States Postal Service  
22 certified mail, return receipt requested. All prize money exceeding  
23 state and federal exemption limits on prize money shall be subject  
24 to income tax reporting and withholding requirements under  
25 applicable state and federal laws and regulations and those reports  
26 and withholding shall be forwarded, within 10 business days, to  
27 the appropriate state or federal agency on behalf of the winner. A  
28 report shall accompany the amount withheld identifying the person  
29 on whose behalf the money is being sent. Any game interrupted  
30 by a transmission failure, electrical outage, or act of God shall be  
31 considered void in the location that was affected. A refund for a  
32 canceled game or games shall be provided to the purchasers.

33 (q) (1) The commission shall require the licensure of the  
34 following:

35 (A) Any person who contracts to conduct remote caller bingo  
36 on behalf of an organization described in subdivision (b) or who  
37 is identified as having fiduciary responsibility for the game  
38 pursuant to subdivision (k).

39 (B) Any person who directly or indirectly manufactures,  
40 distributes, supplies, vends, leases, or otherwise provides supplies,



1 devices, services, or other equipment designed for use in the  
2 playing of a remote caller bingo game by any organization  
3 described in subdivision (b).

4 (C) Beginning January 31, 2009, or a later date as may be  
5 established by the commission, all persons described in  
6 subparagraph (A) or (B) may submit to the commission a letter of  
7 intent to submit an application for licensure. The letter shall clearly  
8 identify the principal applicant, all categories under which the  
9 application will be filed, and the names of all those particular  
10 individuals who are applying. Each charitable organization shall  
11 provide an estimate of the frequency with which it plans to conduct  
12 remote caller bingo operations, including the number of locations.  
13 The letter of intent may be withdrawn or updated at any time.

14 (2) (A) Background investigations related to remote caller bingo  
15 conducted by the department shall be in accordance with the  
16 Gambling Control Act (Chapter 5 (commencing with Section  
17 19800) of Division 8 of the Business and Professions Code) and  
18 as specified in regulations promulgated by the commission or the  
19 department.

20 (B) Fees to cover background investigation costs shall be paid  
21 and accounted for in accordance with Section 19867 of the  
22 Business and Professions Code.

23 (3) (A) Every application for a license or approval by a person  
24 described in subparagraph (A) of paragraph (1) shall be submitted  
25 to the department and accompanied by a nonrefundable fee, the  
26 amount of which shall be adopted by the commission by regulation.

27 (B) Fees and revenue collected pursuant to this paragraph shall  
28 be deposited in the California Bingo Fund, which is hereby created  
29 in the State Treasury. The funds deposited in the California Bingo  
30 Fund shall be available, upon appropriation by the Legislature, for  
31 expenditure by the commission and the department exclusively  
32 for the support of the commission and department in carrying out  
33 their duties and responsibilities under this section and Section  
34 326.5.

35 (C) A loan is hereby authorized from the Gambling Control  
36 Fund to the California Bingo Fund on or after January 1, 2009, in  
37 an amount of up to five hundred thousand dollars (\$500,000) to  
38 fund operating, personnel, and other startup costs incurred by the  
39 commission and department relating to this section. Funds from  
40 the California Bingo Fund shall be available to the commission

1 and department upon appropriation by the Legislature in the annual  
2 Budget Act. The loan shall be subject to all of the following  
3 conditions:

4 (i) The loan shall be repaid to the Gambling Control Fund as  
5 soon as there is sufficient money in the California Bingo Fund to  
6 repay the amount loaned, but no later than July 1, 2019.

7 (ii) Interest on the loan shall be paid from the California Bingo  
8 Fund at the rate accruing to moneys in the Pooled Money  
9 Investment Account.

10 (iii) The terms and conditions of the loan are approved, prior  
11 to the transfer of funds, by the Department of Finance pursuant to  
12 appropriate fiscal standards.

13 The commission and department may assess and collect  
14 reasonable fees and deposits as necessary to defray the costs of  
15 regulation and oversight.

16 (D) Notwithstanding any other law, the loan authorized by  
17 Provision 1 of Item 0855-001-0567 of the Budget Act of 2009, in  
18 the amount of four hundred fifty-seven thousand dollars  
19 (\$457,000), shall be repaid no later than July 1, 2019.

20 (E) The licensing fee for any person or entity that directly or  
21 indirectly manufactures, distributes, supplies, vends, leases, or  
22 otherwise provides supplies, devices, services, or other equipment  
23 designed for use in the playing of a remote caller bingo game by  
24 any nonprofit organization shall be in an amount determined by  
25 the department, not to exceed the reasonable regulatory costs to  
26 the department and in accordance with regulations adopted pursuant  
27 to this chapter. Prior to the adoption of the regulations, the  
28 nonrefundable license fee shall be the amount of the reasonable  
29 regulatory costs to the department, not to exceed three thousand  
30 dollars (\$3,000) per year.

31 (r) The administrative, managerial, technical, financial, and  
32 security personnel employed by an organization that conducts  
33 remote caller bingo games shall apply for, obtain, and thereafter  
34 maintain valid work permits, as defined in Section 19805 of the  
35 Business and Professions Code.

36 (s) An organization that conducts remote caller bingo games  
37 shall retain records in connection with the remote caller bingo  
38 game for five years.

39 (t) (1) All equipment used for remote caller bingo shall be  
40 certified as compliant with regulations adopted pursuant to

1 subdivision (r) of Section 19841 of the Business and Professions  
2 Code by a manufacturing expert recognized by the department.  
3 Certifications shall be submitted to the department prior to the use  
4 of any equipment subject to this subdivision.

5 (2) The department may monitor operation of the transmission  
6 and other equipment used for remote caller bingo, and monitor the  
7 game.

8 (u) (1) As used in this section, “remote caller bingo game”  
9 means a game of bingo, as defined in subdivision (o) of Section  
10 326.5, in which the numbers or symbols on randomly drawn plastic  
11 balls are announced by a natural person present at the site at which  
12 the live game is conducted, and the organization conducting the  
13 bingo game uses audio and video technology to link any of its  
14 in-state facilities for the purpose of transmitting the remote calling  
15 of a live bingo game from a single location to multiple locations  
16 owned, leased, or rented by that organization, or as described in  
17 subdivision (o) of this section. The audio or video technology used  
18 to link the facilities may include cable, Internet, satellite,  
19 broadband, or telephone technology, or any other means of  
20 electronic transmission that ensures the secure, accurate, and  
21 simultaneous transmission of the announcement of numbers or  
22 symbols in the game from the location at which the game is called  
23 by a natural person to the remote location or locations at which  
24 players may participate in the game. The drawing of each ball  
25 bearing a number or symbol by the natural person calling the game  
26 shall be visible to all players as the ball is drawn, including through  
27 a simultaneous live video feed at remote locations at which players  
28 may participate in the game.

29 (2) The caller in the live game must be licensed by the California  
30 Gambling Control Commission. A game may be called by a  
31 nonlicensed caller if the drawing of balls and calling of numbers  
32 or symbols by that person is observed and personally supervised  
33 by a licensed caller.

34 (3) Remote caller bingo games shall be played using traditional  
35 paper or other tangible bingo cards and daubers, and shall not be  
36 played by using electronic devices, except card-minding devices,  
37 as described in paragraph (1) of subdivision (p) of Section 326.5.

38 (4) Prior to conducting a remote caller bingo game, the  
39 organization that conducts remote caller bingo shall submit to the  
40 department the controls, methodology, and standards of game play,

1 which shall include, but not be limited to, the equipment used to  
2 select bingo numbers and create or originate cards, control or  
3 maintenance, distribution to participating locations, and distribution  
4 to players. Those controls, methodologies, and standards shall be  
5 subject to prior approval by the department, provided that the  
6 controls shall be deemed approved by the department after 90 days  
7 from the date of submission unless disapproved.

8 (v) A location shall not be eligible to participate in a remote  
9 caller bingo game if bingo games are conducted at that location  
10 in violation of Section 326.5 or any regulation adopted by the  
11 commission pursuant to Section 19841 of the Business and  
12 Professions Code, including, but not limited to, a location at which  
13 unlawful electronic devices are used.

14 (w) (1) The vendor of the equipment used in a remote caller  
15 bingo game shall have its books and records audited at least  
16 annually by an independent California certified public accountant  
17 and shall submit the results of that audit to the department within  
18 120 days after the close of the vendor's fiscal year. In addition,  
19 the department may audit the books and records of the vendor at  
20 any time.

21 (2) An authorized organization that conducts remote caller bingo  
22 games shall be audited by an independent California certified  
23 public accountant at least annually and copies of the audit reports  
24 shall be provided to the department within 60 days of completion  
25 of the audit report. A city, county, or city and county shall be  
26 provided a full copy of the audit or an audit report upon request.  
27 The audit report shall account for the annual amount of fees paid  
28 to financial institutions for the use and processing of credit card  
29 sales by the authorized organization and the amount of fees for  
30 the use and processing of credit card sales redirected from  
31 "overhead costs" and deducted from the amount of gross revenues  
32 awarded for prizes.

33 (3) The costs of the licensing and audits required by this section  
34 shall be borne by the person or entity required to be licensed or  
35 audited. The audit shall enumerate the receipts for remote caller  
36 bingo, the prizes disbursed, the overhead costs, and the amount  
37 retained by the nonprofit organization. The department may audit  
38 the books and records of an organization that conducts remote  
39 caller bingo games at any time.

1 (4) If the department identifies practices in violation of this  
2 section, the license for the audited entity may be suspended pending  
3 review and hearing before the commission for a final determination.

4 (x) (1) The provisions of this section are severable. If any  
5 provision of this section or its application is held invalid, that  
6 invalidity shall not affect other provisions or applications that can  
7 be given effect without the invalid provision or application.

8 (2) Notwithstanding paragraph (1), if paragraph (1) or (3) of  
9 subdivision (u), or the application of either of those provisions, is  
10 held invalid, this entire section shall be invalid.

11 (y) The department shall submit a report to the Legislature, on  
12 or before January 1, 2016, on the fundraising effectiveness and  
13 regulation of remote caller bingo, and other matters that are relevant  
14 to the public interest regarding remote caller bingo.

15 (z) The following definitions apply for purposes of this section:

16 (1) "Commission" means the California Gambling Control  
17 Commission.

18 (2) "Department" means the Department of Justice.

19 (3) "Person" includes a natural person, corporation, limited  
20 liability company, partnership, trust, joint venture, association, or  
21 any other business organization.

22 (aa) This section shall become inoperative on July 1, 2016, and,  
23 as of January 1, 2017, is repealed, unless a later enacted statute,  
24 that becomes operative on or before January 1, 2017, deletes or  
25 extends the dates on which it becomes inoperative and is repealed.

26 SEC. 6. Section 1170 of the Penal Code, as amended by Section  
27 2 of Chapter 828 of the Statutes of 2012, is amended to read:

28 1170. (a) (1) The Legislature finds and declares that the  
29 purpose of imprisonment for crime is punishment. This purpose  
30 is best served by terms proportionate to the seriousness of the  
31 offense with provision for uniformity in the sentences of offenders  
32 committing the same offense under similar circumstances. The  
33 Legislature further finds and declares that the elimination of  
34 disparity and the provision of uniformity of sentences can best be  
35 achieved by determinate sentences fixed by statute in proportion  
36 to the seriousness of the offense as determined by the Legislature  
37 to be imposed by the court with specified discretion.

38 (2) Notwithstanding paragraph (1), the Legislature further finds  
39 and declares that programs should be available for inmates,  
40 including, but not limited to, educational programs, that are

1 designed to prepare nonviolent felony offenders for successful  
2 reentry into the community. The Legislature encourages the  
3 development of policies and programs designed to educate and  
4 rehabilitate nonviolent felony offenders. In implementing this  
5 section, the Department of Corrections and Rehabilitation is  
6 encouraged to give priority enrollment in programs to promote  
7 successful return to the community to an inmate with a short  
8 remaining term of commitment and a release date that would allow  
9 him or her adequate time to complete the program.

10 (3) In any case in which the punishment prescribed by statute  
11 for a person convicted of a public offense is a term of imprisonment  
12 in the state prison of any specification of three time periods, the  
13 court shall sentence the defendant to one of the terms of  
14 imprisonment specified unless the convicted person is given any  
15 other disposition provided by law, including a fine, jail, probation,  
16 or the suspension of imposition or execution of sentence or is  
17 sentenced pursuant to subdivision (b) of Section 1168 because he  
18 or she had committed his or her crime prior to July 1, 1977. In  
19 sentencing the convicted person, the court shall apply the  
20 sentencing rules of the Judicial Council. The court, unless it  
21 determines that there are circumstances in mitigation of the  
22 punishment prescribed, shall also impose any other term that it is  
23 required by law to impose as an additional term. Nothing in this  
24 article shall affect any provision of law that imposes the death  
25 penalty, that authorizes or restricts the granting of probation or  
26 suspending the execution or imposition of sentence, or expressly  
27 provides for imprisonment in the state prison for life, except as  
28 provided in paragraph (2) of subdivision (d). In any case in which  
29 the amount of preimprisonment credit under Section 2900.5 or any  
30 other provision of law is equal to or exceeds any sentence imposed  
31 pursuant to this chapter, the entire sentence shall be deemed to  
32 have been served and the defendant shall not be actually delivered  
33 to the custody of the secretary. The court shall advise the defendant  
34 that he or she shall serve a period of parole and order the defendant  
35 to report to the parole office closest to the defendant's last legal  
36 residence, unless the in-custody credits equal the total sentence,  
37 including both confinement time and the period of parole. The  
38 sentence shall be deemed a separate prior prison term under Section  
39 667.5, and a copy of the judgment and other necessary  
40 documentation shall be forwarded to the secretary.

1 (b) When a judgment of imprisonment is to be imposed and the  
2 statute specifies three possible terms, the court shall order  
3 imposition of the middle term, unless there are circumstances in  
4 aggravation or mitigation of the crime. At least four days prior to  
5 the time set for imposition of judgment, either party or the victim,  
6 or the family of the victim if the victim is deceased, may submit  
7 a statement in aggravation or mitigation to dispute facts in the  
8 record or the probation officer's report, or to present additional  
9 facts. In determining whether there are circumstances that justify  
10 imposition of the upper or lower term, the court may consider the  
11 record in the case, the probation officer's report, other reports,  
12 including reports received pursuant to Section 1203.03, and  
13 statements in aggravation or mitigation submitted by the  
14 prosecution, the defendant, or the victim, or the family of the victim  
15 if the victim is deceased, and any further evidence introduced at  
16 the sentencing hearing. The court shall set forth on the record the  
17 facts and reasons for imposing the upper or lower term. The court  
18 may not impose an upper term by using the fact of any  
19 enhancement upon which sentence is imposed under any provision  
20 of law. A term of imprisonment shall not be specified if imposition  
21 of sentence is suspended.

22 (c) The court shall state the reasons for its sentence choice on  
23 the record at the time of sentencing. The court shall also inform  
24 the defendant that as part of the sentence after expiration of the  
25 term he or she may be on parole for a period as provided in Section  
26 3000.

27 (d) (1) When a defendant subject to this section or subdivision  
28 (b) of Section 1168 has been sentenced to be imprisoned in the  
29 state prison and has been committed to the custody of the secretary,  
30 the court may, within 120 days of the date of commitment on its  
31 own motion, or at any time upon the recommendation of the  
32 secretary or the Board of Parole Hearings, recall the sentence and  
33 commitment previously ordered and resentence the defendant in  
34 the same manner as if he or she had not previously been sentenced,  
35 provided the new sentence, if any, is no greater than the initial  
36 sentence. The court resentencing under this subdivision shall apply  
37 the sentencing rules of the Judicial Council so as to eliminate  
38 disparity of sentences and to promote uniformity of sentencing.  
39 Credit shall be given for time served.

1 (2) (A) (i) When a defendant who was under 18 years of age  
2 at the time of the commission of the offense for which the  
3 defendant was sentenced to imprisonment for life without the  
4 possibility of parole has served at least 15 years of that sentence,  
5 the defendant may submit to the sentencing court a petition for  
6 recall and resentencing.

7 (ii) Notwithstanding clause (i), this paragraph shall not apply  
8 to defendants sentenced to life without parole for an offense where  
9 the defendant tortured, as described in Section 206, his or her  
10 victim or the victim was a public safety official, including any law  
11 enforcement personnel mentioned in Chapter 4.5 (commencing  
12 with Section 830) of Title 3, or any firefighter as described in  
13 Section 245.1, as well as any other officer in any segment of law  
14 enforcement who is employed by the federal government, the state,  
15 or any of its political subdivisions.

16 (B) The defendant shall file the original petition with the  
17 sentencing court. A copy of the petition shall be served on the  
18 agency that prosecuted the case. The petition shall include the  
19 defendant's statement that he or she was under 18 years of age at  
20 the time of the crime and was sentenced to life in prison without  
21 the possibility of parole, the defendant's statement describing his  
22 or her remorse and work towards rehabilitation, and the defendant's  
23 statement that one of the following is true:

24 (i) The defendant was convicted pursuant to felony murder or  
25 aiding and abetting murder provisions of law.

26 (ii) The defendant does not have juvenile felony adjudications  
27 for assault or other felony crimes with a significant potential for  
28 personal harm to victims prior to the offense for which the sentence  
29 is being considered for recall.

30 (iii) The defendant committed the offense with at least one adult  
31 codefendant.

32 (iv) The defendant has performed acts that tend to indicate  
33 rehabilitation or the potential for rehabilitation, including, but not  
34 limited to, availing himself or herself of rehabilitative, educational,  
35 or vocational programs, if those programs have been available at  
36 his or her classification level and facility, using self-study for  
37 self-improvement, or showing evidence of remorse.

38 (C) If any of the information required in subparagraph (B) is  
39 missing from the petition, or if proof of service on the prosecuting  
40 agency is not provided, the court shall return the petition to the



1 defendant and advise the defendant that the matter cannot be  
2 considered without the missing information.

3 (D) A reply to the petition, if any, shall be filed with the court  
4 within 60 days of the date on which the prosecuting agency was  
5 served with the petition, unless a continuance is granted for good  
6 cause.

7 (E) If the court finds by a preponderance of the evidence that  
8 the statements in the petition are true, the court shall hold a hearing  
9 to consider whether to recall the sentence and commitment  
10 previously ordered and to resentence the defendant in the same  
11 manner as if the defendant had not previously been sentenced,  
12 provided that the new sentence, if any, is not greater than the initial  
13 sentence. Victims, or victim family members if the victim is  
14 deceased, shall retain the rights to participate in the hearing.

15 (F) The factors that the court may consider when determining  
16 whether to recall and resentence include, but are not limited to,  
17 the following:

18 (i) The defendant was convicted pursuant to felony murder or  
19 aiding and abetting murder provisions of law.

20 (ii) The defendant does not have juvenile felony adjudications  
21 for assault or other felony crimes with a significant potential for  
22 personal harm to victims prior to the offense for which the sentence  
23 is being considered for recall.

24 (iii) The defendant committed the offense with at least one adult  
25 codefendant.

26 (iv) Prior to the offense for which the sentence is being  
27 considered for recall, the defendant had insufficient adult support  
28 or supervision and had suffered from psychological or physical  
29 trauma, or significant stress.

30 (v) The defendant suffers from cognitive limitations due to  
31 mental illness, developmental disabilities, or other factors that did  
32 not constitute a defense, but influenced the defendant's  
33 involvement in the offense.

34 (vi) The defendant has performed acts that tend to indicate  
35 rehabilitation or the potential for rehabilitation, including, but not  
36 limited to, availing himself or herself of rehabilitative, educational,  
37 or vocational programs, if those programs have been available at  
38 his or her classification level and facility, using self-study for  
39 self-improvement, or showing evidence of remorse.

1 (vii) The defendant has maintained family ties or connections  
2 with others through letter writing, calls, or visits, or has eliminated  
3 contact with individuals outside of prison who are currently  
4 involved with crime.

5 (viii) The defendant has had no disciplinary actions for violent  
6 activities in the last five years in which the defendant was  
7 determined to be the aggressor.

8 (G) The court shall have the discretion to recall the sentence  
9 and commitment previously ordered and to resentence the  
10 defendant in the same manner as if the defendant had not  
11 previously been sentenced, provided that the new sentence, if any,  
12 is not greater than the initial sentence. The discretion of the court  
13 shall be exercised in consideration of the criteria in subparagraph  
14 (B). Victims, or victim family members if the victim is deceased,  
15 shall be notified of the resentencing hearing and shall retain their  
16 rights to participate in the hearing.

17 (H) If the sentence is not recalled, the defendant may submit  
18 another petition for recall and resentencing to the sentencing court  
19 when the defendant has been committed to the custody of the  
20 department for at least 20 years. If recall and resentencing is not  
21 granted under that petition, the defendant may file another petition  
22 after having served 24 years. The final petition may be submitted,  
23 and the response to that petition shall be determined, during the  
24 25th year of the defendant's sentence.

25 (I) In addition to the criteria in subparagraph (F), the court may  
26 consider any other criteria that the court deems relevant to its  
27 decision, so long as the court identifies them on the record,  
28 provides a statement of reasons for adopting them, and states why  
29 the defendant does or does not satisfy the criteria.

30 (J) This subdivision shall have retroactive application.

31 (e) (1) Notwithstanding any other law and consistent with  
32 paragraph (1) of subdivision (a), if the secretary or the Board of  
33 Parole Hearings or both determine that a prisoner satisfies the  
34 criteria set forth in paragraph (2), the secretary or the board may  
35 recommend to the court that the prisoner's sentence be recalled.

36 (2) The court shall have the discretion to resentence or recall if  
37 the court finds that the facts described in subparagraphs (A) and  
38 (B) or subparagraphs (B) and (C) exist:

39 (A) The prisoner is terminally ill with an incurable condition  
40 caused by an illness or disease that would produce death within

1 six months, as determined by a physician employed by the  
2 department.

3 (B) The conditions under which the prisoner would be released  
4 or receive treatment do not pose a threat to public safety.

5 (C) The prisoner is permanently medically incapacitated with  
6 a medical condition that renders him or her permanently unable  
7 to perform activities of basic daily living, and results in the prisoner  
8 requiring 24-hour total care, including, but not limited to, coma,  
9 persistent vegetative state, brain death, ventilator-dependency, loss  
10 of control of muscular or neurological function, and that  
11 incapacitation did not exist at the time of the original sentencing.

12 The Board of Parole Hearings shall make findings pursuant to  
13 this subdivision before making a recommendation for resentencing  
14 or recall to the court. This subdivision does not apply to a prisoner  
15 sentenced to death or a term of life without the possibility of parole.

16 (3) Within 10 days of receipt of a positive recommendation by  
17 the secretary or the board, the court shall hold a hearing to consider  
18 whether the prisoner's sentence should be recalled.

19 (4) Any physician employed by the department who determines  
20 that a prisoner has six months or less to live shall notify the chief  
21 medical officer of the prognosis. If the chief medical officer  
22 concurs with the prognosis, he or she shall notify the warden.  
23 Within 48 hours of receiving notification, the warden or the  
24 warden's representative shall notify the prisoner of the recall and  
25 resentencing procedures, and shall arrange for the prisoner to  
26 designate a family member or other outside agent to be notified  
27 as to the prisoner's medical condition and prognosis, and as to the  
28 recall and resentencing procedures. If the inmate is deemed  
29 mentally unfit, the warden or the warden's representative shall  
30 contact the inmate's emergency contact and provide the information  
31 described in paragraph (2).

32 (5) The warden or the warden's representative shall provide the  
33 prisoner and his or her family member, agent, or emergency  
34 contact, as described in paragraph (4), updated information  
35 throughout the recall and resentencing process with regard to the  
36 prisoner's medical condition and the status of the prisoner's recall  
37 and resentencing proceedings.

38 (6) Notwithstanding any other provisions of this section, the  
39 prisoner or his or her family member or designee may  
40 independently request consideration for recall and resentencing

1 by contacting the chief medical officer at the prison or the  
2 secretary. Upon receipt of the request, the chief medical officer  
3 and the warden or the warden's representative shall follow the  
4 procedures described in paragraph (4). If the secretary determines  
5 that the prisoner satisfies the criteria set forth in paragraph (2), the  
6 secretary or board may recommend to the court that the prisoner's  
7 sentence be recalled. The secretary shall submit a recommendation  
8 for release within 30 days in the case of inmates sentenced to  
9 determinate terms and, in the case of inmates sentenced to  
10 indeterminate terms, the secretary shall make a recommendation  
11 to the Board of Parole Hearings with respect to the inmates who  
12 have applied under this section. The board shall consider this  
13 information and make an independent judgment pursuant to  
14 paragraph (2) and make findings related thereto before rejecting  
15 the request or making a recommendation to the court. This action  
16 shall be taken at the next lawfully noticed board meeting.

17 (7) Any recommendation for recall submitted to the court by  
18 the secretary or the Board of Parole Hearings shall include one or  
19 more medical evaluations, a postrelease plan, and findings pursuant  
20 to paragraph (2).

21 (8) If possible, the matter shall be heard before the same judge  
22 of the court who sentenced the prisoner.

23 (9) If the court grants the recall and resentencing application,  
24 the prisoner shall be released by the department within 48 hours  
25 of receipt of the court's order, unless a longer time period is agreed  
26 to by the inmate. At the time of release, the warden or the warden's  
27 representative shall ensure that the prisoner has each of the  
28 following in his or her possession: a discharge medical summary,  
29 full medical records, state identification, parole medications, and  
30 all property belonging to the prisoner. After discharge, any  
31 additional records shall be sent to the prisoner's forwarding  
32 address.

33 (10) The secretary shall issue a directive to medical and  
34 correctional staff employed by the department that details the  
35 guidelines and procedures for initiating a recall and resentencing  
36 procedure. The directive shall clearly state that any prisoner who  
37 is given a prognosis of six months or less to live is eligible for  
38 recall and resentencing consideration, and that recall and  
39 resentencing procedures shall be initiated upon that prognosis.

1 (f) Notwithstanding any other provision of this section, for  
2 purposes of paragraph (3) of subdivision (h), any allegation that  
3 a defendant is eligible for state prison due to a prior or current  
4 conviction, sentence enhancement, or because he or she is required  
5 to register as a sex offender shall not be subject to dismissal  
6 pursuant to Section 1385.

7 (g) A sentence to state prison for a determinate term for which  
8 only one term is specified, is a sentence to state prison under this  
9 section.

10 (h) (1) Except as provided in paragraph (3), a felony punishable  
11 pursuant to this subdivision where the term is not specified in the  
12 underlying offense shall be punishable by a term of imprisonment  
13 in a county jail for 16 months, or two or three years.

14 (2) Except as provided in paragraph (3), a felony punishable  
15 pursuant to this subdivision shall be punishable by imprisonment  
16 in a county jail for the term described in the underlying offense.

17 (3) Notwithstanding paragraphs (1) and (2), where the defendant  
18 (A) has a prior or current felony conviction for a serious felony  
19 described in subdivision (c) of Section 1192.7 or a prior or current  
20 conviction for a violent felony described in subdivision (c) of  
21 Section 667.5, (B) has a prior felony conviction in another  
22 jurisdiction for an offense that has all the elements of a serious  
23 felony described in subdivision (c) of Section 1192.7 or a violent  
24 felony described in subdivision (c) of Section 667.5, (C) is required  
25 to register as a sex offender pursuant to Chapter 5.5 (commencing  
26 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime  
27 and as part of the sentence an enhancement pursuant to Section  
28 186.11 is imposed, an executed sentence for a felony punishable  
29 pursuant to this subdivision shall be served in state prison.

30 (4) Nothing in this subdivision shall be construed to prevent  
31 other dispositions authorized by law, including pretrial diversion,  
32 deferred entry of judgment, or an order granting probation pursuant  
33 to Section 1203.1.

34 (5) The court, when imposing a sentence pursuant to paragraph  
35 (1) or (2) of this subdivision, may commit the defendant to county  
36 jail as follows:

37 (A) For a full term in custody as determined in accordance with  
38 the applicable sentencing law.

39 (B) (i) For a term as determined in accordance with the  
40 applicable sentencing law, but suspend execution of a concluding

1 portion of the term selected in the court's discretion, during which  
2 time the defendant shall be supervised by the county probation  
3 officer in accordance with the terms, conditions, and procedures  
4 generally applicable to persons placed on probation, for the  
5 remaining unserved portion of the sentence imposed by the court.  
6 The period of supervision shall be mandatory, and may not be  
7 earlier terminated except by court order. Any proceeding to revoke  
8 or modify mandatory supervision under this subparagraph shall  
9 be conducted pursuant to either subdivisions (a) and (b) of Section  
10 1203.2 or Section 1203.3. During the period when the defendant  
11 is under such supervision, unless in actual custody related to the  
12 sentence imposed by the court, the defendant shall be entitled to  
13 only actual time credit against the term of imprisonment imposed  
14 by the court. Any time period which is suspended because a person  
15 has absconded shall not be credited toward the period of  
16 supervision.

17 (ii) The portion of a defendant's sentenced term during which  
18 time he or she is supervised by the county probation officer  
19 pursuant to this subparagraph shall be known as mandatory  
20 supervision, and shall begin upon release from custody.

21 (6) The sentencing changes made by the act that added this  
22 subdivision shall be applied prospectively to any person sentenced  
23 on or after October 1, 2011.

24 (i) This section shall become operative on January 1, 2014.

25 SEC. 7. Section 1203.2 of the Penal Code is amended to read:

26 1203.2. (a) At any time during the period of supervision of a  
27 person (1) released on probation under the care of a probation  
28 officer pursuant to this chapter, (2) released on conditional sentence  
29 or summary probation not under the care of a probation officer,  
30 (3) placed on mandatory supervision pursuant to subparagraph (B)  
31 of paragraph (5) of subdivision (h) of Section 1170, (4) subject to  
32 revocation of postrelease community supervision pursuant to  
33 Section 3455, or (5) subject to revocation of parole supervision  
34 pursuant to Section 3000.08, if any probation officer, parole officer,  
35 or peace officer has probable cause to believe that the supervised  
36 person is violating any term or condition of his or her supervision,  
37 the officer may, without warrant or other process and at any time  
38 until the final disposition of the case, rearrest the supervised person  
39 and bring him or her before the court or the court may, in its  
40 discretion, issue a warrant for his or her rearrest. Upon such

1 rearrest, or upon the issuance of a warrant for rearrest the court  
2 may revoke and terminate the supervision of the person if the  
3 interests of justice so require and the court, in its judgment, has  
4 reason to believe from the report of the probation or parole officer  
5 or otherwise that the person has violated any of the conditions of  
6 his or her supervision, has become abandoned to improper  
7 associates or a vicious life, or has subsequently committed other  
8 offenses, regardless whether he or she has been prosecuted for  
9 such offenses. However, the court shall not terminate parole  
10 pursuant to this section. Supervision shall not be revoked for failure  
11 of a person to make restitution imposed as a condition of  
12 supervision unless the court determines that the defendant has  
13 willfully failed to pay and has the ability to pay. Restitution shall  
14 be consistent with a person's ability to pay. The revocation,  
15 summary or otherwise, shall serve to toll the running of the period  
16 of supervision.

17 (b) (1) Upon its own motion or upon the petition of the  
18 supervised person, the probation or parole officer, or the district  
19 attorney, the court may modify, revoke, or terminate supervision  
20 of the person pursuant to this subdivision, except that the court  
21 shall not terminate parole pursuant to this section. The court in the  
22 county in which the person is supervised has jurisdiction to hear  
23 the motion or petition, or for those on parole, either the court in  
24 the county of supervision or the court in the county in which the  
25 alleged violation of supervision occurred. A person supervised on  
26 parole or postrelease community supervision pursuant to Section  
27 3455 may not petition the court pursuant to this section for early  
28 release from supervision, and a petition under this section shall  
29 not be filed solely for the purpose of modifying parole. Nothing  
30 in this section shall prohibit the court in the county in which the  
31 person is supervised or in which the alleged violation of supervision  
32 occurred from modifying a person's parole when acting on the  
33 court's own motion or a petition to revoke parole. The court shall  
34 give notice of its motion, and the probation or parole officer or the  
35 district attorney shall give notice of his or her petition to the  
36 supervised person, his or her attorney of record, and the district  
37 attorney or the probation or parole officer, as the case may be. The  
38 supervised person shall give notice of his or her petition to the  
39 probation or parole officer and notice of any motion or petition  
40 shall be given to the district attorney in all cases. The court shall

1 refer its motion or the petition to the probation or parole officer.  
2 After the receipt of a written report from the probation or parole  
3 officer, the court shall read and consider the report and either its  
4 motion or the petition and may modify, revoke, or terminate the  
5 supervision of the supervised person upon the grounds set forth in  
6 subdivision (a) if the interests of justice so require.

7 (2) The notice required by this subdivision may be given to the  
8 supervised person upon his or her first court appearance in the  
9 proceeding. Upon the agreement by the supervised person in  
10 writing to the specific terms of a modification or termination of a  
11 specific term of supervision, any requirement that the supervised  
12 person make a personal appearance in court for the purpose of a  
13 modification or termination shall be waived. Prior to the  
14 modification or termination and waiver of appearance, the  
15 supervised person shall be informed of his or her right to consult  
16 with counsel, and if indigent the right to secure court appointed  
17 counsel. If the supervised person waives his or her right to counsel  
18 a written waiver shall be required. If the supervised person consults  
19 with counsel and thereafter agrees to a modification, revocation,  
20 or termination of the term of supervision and waiver of personal  
21 appearance, the agreement shall be signed by counsel showing  
22 approval for the modification or termination and waiver.

23 (c) Upon any revocation and termination of probation the court  
24 may, if the sentence has been suspended, pronounce judgment for  
25 any time within the longest period for which the person might have  
26 been sentenced. However, if the judgment has been pronounced  
27 and the execution thereof has been suspended, the court may revoke  
28 the suspension and order that the judgment shall be in full force  
29 and effect. In either case, the person shall be delivered over to the  
30 proper officer to serve his or her sentence, less any credits herein  
31 provided for.

32 (d) In any case of revocation and termination of probation,  
33 including, but not limited to, cases in which the judgment has been  
34 pronounced and the execution thereof has been suspended, upon  
35 the revocation and termination, the court may, in lieu of any other  
36 sentence, commit the person to the Department of Corrections and  
37 Rehabilitation, Division of Juvenile Facilities if he or she is  
38 otherwise eligible for such commitment.

39 (e) If probation has been revoked before the judgment has been  
40 pronounced, the order revoking probation may be set aside for



1 good cause upon motion made before pronouncement of judgment.  
2 If probation has been revoked after the judgment has been  
3 pronounced, the judgment and the order which revoked the  
4 probation may be set aside for good cause within 30 days after the  
5 court has notice that the execution of the sentence has commenced.  
6 If an order setting aside the judgment, the revocation of probation,  
7 or both is made after the expiration of the probationary period, the  
8 court may again place the person on probation for that period and  
9 with those terms and conditions as it could have done immediately  
10 following conviction.

11 (f) As used in this section, the following definitions shall apply:

12 (1) "Court" means a judge, magistrate, or revocation hearing  
13 officer described in Section 71622.5 of the Government Code.

14 (2) "Probation officer" means a probation officer as described  
15 in Section 1203 or an officer of the agency designated by the board  
16 of supervisors of a county to implement postrelease community  
17 supervision pursuant to Section 3451.

18 (3) "Supervised person" means a person who satisfies any of  
19 the following:

20 (A) He or she is released on probation subject to the supervision  
21 of a probation officer.

22 (B) He or she is released on conditional sentence or summary  
23 probation not under the care of a probation officer.

24 (C) He or she is subject to mandatory supervision pursuant to  
25 subparagraph (B) of paragraph (5) of subdivision (h) of Section  
26 1170.

27 (D) He or she is subject to revocation of postrelease community  
28 supervision pursuant to Section 3455.

29 (E) He or she is subject to revocation of parole pursuant to  
30 Section 3000.08.

31 (g) Nothing in this section affects the authority of the supervising  
32 agency to impose intermediate sanctions, including flash  
33 incarceration, to persons supervised on parole pursuant to Section  
34 3000.8 or postrelease community supervision pursuant to Part 3  
35 (commencing with Section 3450) of Title 2.05.

36 SEC. 8. Section 3000.08 of the Penal Code, as amended by  
37 Section 44 of Chapter 24 of the Statutes of 2012, is amended to  
38 read:

39 3000.08. (a) A person released from state prison on or after  
40 October 1, 2011, after serving a prison term, or whose sentence

1 has been deemed served pursuant to Section 2900.5, for any of the  
2 following crimes is subject to the jurisdiction of and parole  
3 supervision by the Department of Corrections and Rehabilitation:

4 (1) A serious felony as described in subdivision (c) of Section  
5 1192.7.

6 (2) A violent felony as described in subdivision (c) of Section  
7 667.5.

8 (3) A crime for which the person was sentenced pursuant to  
9 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)  
10 of subdivision (c) of Section 1170.12.

11 (4) Any crime for which the person is classified as a high risk  
12 sex offender.

13 (5) Any crime for which the person is required, as a condition  
14 of parole, to undergo treatment by the State Department of State  
15 Hospitals pursuant to Section 2962.

16 (b) Notwithstanding any other law, all other offenders released  
17 from prison shall be placed on postrelease supervision pursuant  
18 to Title 2.05 (commencing with Section 3450).

19 (c) Notwithstanding subdivision (a), any of the following  
20 persons released from state prison shall be subject to the  
21 jurisdiction of, and parole supervision by, the Department of  
22 Corrections and Rehabilitation for a period of parole up to three  
23 years or the parole term the person was subject to at the time of  
24 the commission of the offense, whichever is greater:

25 (1) The person is required to register as a sex offender pursuant  
26 to Chapter 5.5 (commencing with Section 290) of Title 9 of Part  
27 1, and was subject to a period of parole exceeding three years at  
28 the time he or she committed a felony for which they were  
29 convicted and subsequently sentenced to state prison.

30 (2) The person was subject to parole for life pursuant to Section  
31 3000.1 at the time of the commission of the offense that resulted  
32 in a conviction and state prison sentence.

33 (d) Except as described in subdivision (c), any person who is  
34 convicted of a felony that requires community supervision and  
35 who still has a period of state parole to serve shall discharge from  
36 state parole at the time of release to community supervision.

37 (e) Any person released to parole supervision pursuant to  
38 subdivision (a) shall, regardless of any subsequent determination  
39 that the person should have been released pursuant to subdivision

1 (b), remain subject to subdivision (a) after having served 60 days  
2 under supervision pursuant to subdivision (a).

3 (f) This section shall be operative only until July 1, 2013, and  
4 as of January 1, 2014, is repealed, unless a later enacted statute,  
5 that is enacted before January 1, 2014, deletes or extends that date.

6 SEC. 9. Section 3000.08 of the Penal Code, as amended by  
7 Section 35 of Chapter 43 of the Statutes of 2012, is amended to  
8 read:

9 3000.08. (a) A person released from state prison prior to or  
10 on or after July 1, 2013, after serving a prison term, or whose  
11 sentence has been deemed served pursuant to Section 2900.5, for  
12 any of the following crimes is subject to parole supervision by the  
13 Department of Corrections and Rehabilitation and the jurisdiction  
14 of the court in the county in which the parolee is released, resides,  
15 or in which an alleged violation of supervision has occurred, for  
16 the purpose of hearing petitions to revoke parole and impose a  
17 term of custody:

18 (1) A serious felony as described in subdivision (c) of Section  
19 1192.7.

20 (2) A violent felony as described in subdivision (c) of Section  
21 667.5.

22 (3) A crime for which the person was sentenced pursuant to  
23 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)  
24 of subdivision (c) of Section 1170.12.

25 (4) Any crime for which the person is classified as a high risk  
26 sex offender.

27 (5) Any crime for which the person is required, as a condition  
28 of parole, to undergo treatment by the State Department of State  
29 Hospitals pursuant to Section 2962.

30 (b) Notwithstanding any other law, all other offenders released  
31 from prison shall be placed on postrelease supervision pursuant  
32 to Title 2.05 (commencing with Section 3450).

33 (c) At any time during the period of parole of a person subject  
34 to this section, if any parole agent or peace officer has probable  
35 cause to believe that the parolee is violating any term or condition  
36 of his or her parole, the agent or officer may, without warrant or  
37 other process and at any time until the final disposition of the case,  
38 arrest the person and bring him or her before the court, or the court  
39 may, in its discretion, issue a warrant for that person's arrest  
40 pursuant to Section 1203.2.

1 (d) Upon review of the alleged violation and a finding of good  
2 cause that the parolee has committed a violation of law or violated  
3 his or her conditions of parole, the supervising parole agency may  
4 impose additional and appropriate conditions of supervision,  
5 including rehabilitation and treatment services and appropriate  
6 incentives for compliance, and impose immediate, structured, and  
7 intermediate sanctions for parole violations, including flash  
8 incarceration in a county jail. Periods of “flash incarceration,” as  
9 defined in subdivision (e) are encouraged as one method of  
10 punishment for violations of a parolee’s conditions of parole. This  
11 section does not preclude referrals to a reentry court pursuant to  
12 Section 3015.

13 (e) “Flash incarceration” is a period of detention in county jail  
14 due to a violation of a parolee’s conditions of parole. The length  
15 of the detention period can range between one and 10 consecutive  
16 days. Shorter, but if necessary more frequent, periods of detention  
17 for violations of a parolee’s conditions of parole shall appropriately  
18 punish a parolee while preventing the disruption in a work or home  
19 establishment that typically arises from longer periods of detention.

20 (f) If the supervising parole agency has determined, following  
21 application of its assessment processes, that intermediate sanctions  
22 up to and including flash incarceration are not appropriate, the  
23 supervising parole agency shall, pursuant to Section 1203.2,  
24 petition either the court in the county in which the parolee is being  
25 supervised or the court in the county in which the alleged violation  
26 of supervision occurred, to revoke parole. At any point during the  
27 process initiated pursuant to this section, a parolee may waive, in  
28 writing, his or her right to counsel, admit the parole violation,  
29 waive a court hearing, and accept the proposed parole modification  
30 or revocation. The petition shall include a written report that  
31 contains additional information regarding the petition, including  
32 the relevant terms and conditions of parole, the circumstances of  
33 the alleged underlying violation, the history and background of  
34 the parolee, and any recommendations. The Judicial Council shall  
35 adopt forms and rules of court to establish uniform statewide  
36 procedures to implement this subdivision, including the minimum  
37 contents of supervision agency reports. Upon a finding that the  
38 person has violated the conditions of parole, the court shall have  
39 authority to do any of the following:

1 (1) Return the person to parole supervision with modifications  
2 of conditions, if appropriate, including a period of incarceration  
3 in county jail.

4 (2) Revoke parole and order the person to confinement in the  
5 county jail.

6 (3) Refer the person to a reentry court pursuant to Section 3015  
7 or other evidence-based program in the court's discretion.

8 (g) Confinement pursuant to paragraphs (1) and (2) of  
9 subdivision (f) shall not exceed a period of 180 days in the county  
10 jail.

11 (h) Notwithstanding any other law, if Section 3000.1 or  
12 paragraph (4) of subdivision (b) of Section 3000 applies to a person  
13 who is on parole and the court determines that the person has  
14 committed a violation of law or violated his or her conditions of  
15 parole, the person on parole shall be remanded to the custody of  
16 the Department of Corrections and Rehabilitation and the  
17 jurisdiction of the Board of Parole Hearings for the purpose of  
18 future parole consideration.

19 (i) Notwithstanding subdivision (a), any of the following persons  
20 released from state prison shall be subject to the jurisdiction of,  
21 and parole supervision by, the Department of Corrections and  
22 Rehabilitation for a period of parole up to three years or the parole  
23 term the person was subject to at the time of the commission of  
24 the offense, whichever is greater:

25 (1) The person is required to register as a sex offender pursuant  
26 to Chapter 5.5 (commencing with Section 290) of Title 9 of Part  
27 1, and was subject to a period of parole exceeding three years at  
28 the time he or she committed a felony for which they were  
29 convicted and subsequently sentenced to state prison.

30 (2) The person was subject to parole for life pursuant to Section  
31 3000.1 at the time of the commission of the offense that resulted  
32 in a conviction and state prison sentence.

33 (j) Parolees subject to this section who have a pending  
34 adjudication for a parole violation on July 1, 2013, are subject to  
35 the jurisdiction of the Board of Parole Hearings. Parole revocation  
36 proceedings conducted by the Board of Parole Hearings prior to  
37 July 1, 2013, if reopened on or after July 1, 2013, are subject to  
38 the jurisdiction of the Board of Parole Hearings.

39 (k) Except as described in subdivision (c), any person who is  
40 convicted of a felony that requires community supervision and

1 who still has a period of state parole to serve shall discharge from  
2 state parole at the time of release to community supervision.

3 (l) Any person released to parole supervision pursuant to  
4 subdivision (a) shall, regardless of any subsequent determination  
5 that the person should have been released pursuant to subdivision  
6 (b), remain subject to subdivision (a) after having served 60 days  
7 under supervision pursuant to subdivision (a).

8 (m) This section shall become operative on July 1, 2013.

9 SEC. 10. Section 3003 of the Penal Code is amended to read:

10 3003. (a) Except as otherwise provided in this section, an  
11 inmate who is released on parole or postrelease supervision as  
12 provided by Title 2.05 (commencing with Section 3450) shall be  
13 returned to the county that was the last legal residence of the inmate  
14 prior to his or her incarceration. For purposes of this subdivision,  
15 “last legal residence” shall not be construed to mean the county  
16 wherein the inmate committed an offense while confined in a state  
17 prison or local jail facility or while confined for treatment in a  
18 state hospital.

19 (b) Notwithstanding subdivision (a), an inmate may be returned  
20 to another county if that would be in the best interests of the public.  
21 If the Board of Parole Hearings setting the conditions of parole  
22 for inmates sentenced pursuant to subdivision (b) of Section 1168,  
23 as determined by the parole consideration panel, or the Department  
24 of Corrections and Rehabilitation setting the conditions of parole  
25 for inmates sentenced pursuant to Section 1170, decides on a return  
26 to another county, it shall place its reasons in writing in the  
27 parolee’s permanent record and include these reasons in the notice  
28 to the sheriff or chief of police pursuant to Section 3058.6. In  
29 making its decision, the paroling authority shall consider, among  
30 others, the following factors, giving the greatest weight to the  
31 protection of the victim and the safety of the community:

32 (1) The need to protect the life or safety of a victim, the parolee,  
33 a witness, or any other person.

34 (2) Public concern that would reduce the chance that the  
35 inmate’s parole would be successfully completed.

36 (3) The verified existence of a work offer, or an educational or  
37 vocational training program.

38 (4) The existence of family in another county with whom the  
39 inmate has maintained strong ties and whose support would

1 increase the chance that the inmate's parole would be successfully  
2 completed.

3 (5) The lack of necessary outpatient treatment programs for  
4 parolees receiving treatment pursuant to Section 2960.

5 (c) The Department of Corrections and Rehabilitation, in  
6 determining an out-of-county commitment, shall give priority to  
7 the safety of the community and any witnesses and victims.

8 (d) In making its decision about an inmate who participated in  
9 a joint venture program pursuant to Article 1.5 (commencing with  
10 Section 2717.1) of Chapter 5, the paroling authority shall give  
11 serious consideration to releasing him or her to the county where  
12 the joint venture program employer is located if that employer  
13 states to the paroling authority that he or she intends to employ  
14 the inmate upon release.

15 (e) (1) The following information, if available, shall be released  
16 by the Department of Corrections and Rehabilitation to local law  
17 enforcement agencies regarding a paroled inmate or inmate placed  
18 on postrelease supervision pursuant to Title 2.05 (commencing  
19 with Section 3450) who is released in their jurisdictions:

20 (A) Last, first, and middle name.

21 (B) Birth date.

22 (C) Sex, race, height, weight, and hair and eye color.

23 (D) Date of parole and discharge.

24 (E) Registration status, if the inmate is required to register as a  
25 result of a controlled substance, sex, or arson offense.

26 (F) California Criminal Information Number, FBI number, social  
27 security number, and driver's license number.

28 (G) County of commitment.

29 (H) A description of scars, marks, and tattoos on the inmate.

30 (I) Offense or offenses for which the inmate was convicted that  
31 resulted in parole in this instance.

32 (J) Address, including all of the following information:

33 (i) Street name and number. Post office box numbers are not  
34 acceptable for purposes of this subparagraph.

35 (ii) City and ZIP Code.

36 (iii) Date that the address provided pursuant to this subparagraph  
37 was proposed to be effective.

38 (K) Contact officer and unit, including all of the following  
39 information:

40 (i) Name and telephone number of each contact officer.

1 (ii) Contact unit type of each contact officer such as units  
2 responsible for parole, registration, or county probation.

3 (L) A digitized image of the photograph and at least a single  
4 digit fingerprint of the parolee.

5 (M) A geographic coordinate for the parolee's residence location  
6 for use with a Geographical Information System (GIS) or  
7 comparable computer program.

8 (2) Unless the information is unavailable, the Department of  
9 Corrections and Rehabilitation shall electronically transmit to the  
10 county agency identified in subdivision (a) of Section 3451 the  
11 inmate's tuberculosis status, specific medical, mental health, and  
12 outpatient clinic needs, and any medical concerns or disabilities  
13 for the county to consider as the offender transitions onto  
14 postrelease community supervision pursuant to Section 3450, for  
15 the purpose of identifying the medical and mental health needs of  
16 the individual. All transmissions to the county agency shall be in  
17 compliance with applicable provisions of the federal Health  
18 Insurance Portability and Accountability Act of 1996 (HIPAA)  
19 (Public Law 104-191), the federal Health Information Technology  
20 for Clinical Health Act (HITECH) (Public Law 111-005), and the  
21 implementing of privacy and security regulations in Parts 160 and  
22 164 of Title 45 of the Code of Federal Regulations. This paragraph  
23 shall not take effect until the Secretary of the United States  
24 Department of Health and Human Services, or his or her designee,  
25 determines that this provision is not preempted by HIPAA.

26 (3) Except for the information required by paragraph (2), the  
27 information required by this subdivision shall come from the  
28 statewide parolee database. The information obtained from each  
29 source shall be based on the same timeframe.

30 (4) All of the information required by this subdivision shall be  
31 provided utilizing a computer-to-computer transfer in a format  
32 usable by a desktop computer system. The transfer of this  
33 information shall be continually available to local law enforcement  
34 agencies upon request.

35 (5) The unauthorized release or receipt of the information  
36 described in this subdivision is a violation of Section 11143.

37 (f) Notwithstanding any other provision of law, an inmate who  
38 is released on parole shall not be returned to a location within 35  
39 miles of the actual residence of a victim of, or a witness to, a  
40 violent felony as defined in paragraphs (1) to (7), inclusive, and



1 paragraph (16) of subdivision (c) of Section 667.5 or a felony in  
2 which the defendant inflicts great bodily injury on any person other  
3 than an accomplice that has been charged and proved as provided  
4 for in Section 12022.53, 12022.7, or 12022.9, if the victim or  
5 witness has requested additional distance in the placement of the  
6 inmate on parole, and if the Board of Parole Hearings or the  
7 Department of Corrections and Rehabilitation finds that there is a  
8 need to protect the life, safety, or well-being of a victim or witness.

9 (g) Notwithstanding any other law, an inmate who is released  
10 on parole for a violation of Section 288 or 288.5 whom the  
11 Department of Corrections and Rehabilitation determines poses a  
12 high risk to the public shall not be placed or reside, for the duration  
13 of his or her parole, within one-half mile of any public or private  
14 school including any or all of kindergarten and grades 1 to 12,  
15 inclusive.

16 (h) Notwithstanding any other law, an inmate who is released  
17 on parole for an offense involving stalking shall not be returned  
18 to a location within 35 miles of the victim's actual residence or  
19 place of employment if the victim or witness has requested  
20 additional distance in the placement of the inmate on parole, and  
21 if the Board of Parole Hearings or the Department of Corrections  
22 and Rehabilitation finds that there is a need to protect the life,  
23 safety, or well-being of the victim.

24 (i) The authority shall give consideration to the equitable  
25 distribution of parolees and the proportion of out-of-county  
26 commitments from a county compared to the number of  
27 commitments from that county when making parole decisions.

28 (j) An inmate may be paroled to another state pursuant to any  
29 other law. The Department of Corrections and Rehabilitation shall  
30 coordinate with local entities regarding the placement of inmates  
31 placed out of state on postrelease supervision pursuant to Title  
32 2.05 (commencing with Section 3450).

33 (k) (1) Except as provided in paragraph (2), the Department of  
34 Corrections and Rehabilitation shall be the agency primarily  
35 responsible for, and shall have control over, the program, resources,  
36 and staff implementing the Law Enforcement Automated Data  
37 System (LEADS) in conformance with subdivision (e). County  
38 agencies supervising inmates released to postrelease supervision  
39 pursuant to Title 2.05 (commencing with Section 3450) shall  
40 provide any information requested by the department to ensure

1 the availability of accurate information regarding inmates released  
2 from state prison. This information may include the issuance of  
3 warrants, revocations, or the termination of postrelease supervision.  
4 On or before August 1, 2011, county agencies designated to  
5 supervise inmates released to postrelease supervision shall notify  
6 the department that the county agencies have been designated as  
7 the local entity responsible for providing that supervision.

8 (2) Notwithstanding paragraph (1), the Department of Justice  
9 shall be the agency primarily responsible for the proper release of  
10 information under LEADS that relates to fingerprint cards.

11 (l) In addition to the requirements under subdivision (k), the  
12 Department of Corrections and Rehabilitation shall submit to the  
13 Department of Justice data to be included in the supervised release  
14 file of the California Law Enforcement Telecommunications  
15 System (CLETS) so that law enforcement can be advised through  
16 CLETS of all persons on postrelease community supervision and  
17 the county agency designated to provide supervision. The data  
18 required by this subdivision shall be provided via electronic  
19 transfer.

20 SEC. 11. Section 3451 of the Penal Code is amended to read:

21 3451. (a) Notwithstanding any other law and except for persons  
22 serving a prison term for any crime described in subdivision (b),  
23 all persons released from prison on and after October 1, 2011, or,  
24 whose sentence has been deemed served pursuant to Section 2900.5  
25 after serving a prison term for a felony shall, upon release from  
26 prison and for a period not exceeding three years immediately  
27 following release, be subject to community supervision provided  
28 by a county agency designated by each county's board of  
29 supervisors which is consistent with evidence-based practices,  
30 including, but not limited to, supervision policies, procedures,  
31 programs, and practices demonstrated by scientific research to  
32 reduce recidivism among individuals under postrelease supervision.

33 (b) This section shall not apply to any person released from  
34 prison after having served a prison term for any of the following:

35 (1) A serious felony described in subdivision (c) of Section  
36 1192.7.

37 (2) A violent felony described in subdivision (c) of Section  
38 667.5.

1 (3) A crime for which the person was sentenced pursuant to  
2 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)  
3 of subdivision (c) of Section 1170.12.

4 (4) Any crime for which the person is classified as a high risk  
5 sex offender.

6 (5) Any crime for which the person is required, as a condition  
7 of parole, to undergo treatment by the State Department of State  
8 Hospitals pursuant to Section 2962.

9 (c) (1) Postrelease supervision under this title shall be  
10 implemented by a county agency according to a postrelease strategy  
11 designated by each county's board of supervisors.

12 (2) The Department of Corrections and Rehabilitation shall  
13 inform every prisoner subject to the provisions of this title, upon  
14 release from state prison, of the requirements of this title and of  
15 his or her responsibility to report to the county agency responsible  
16 for serving that inmate. The department shall also inform persons  
17 serving a term of parole for a felony offense who are subject to  
18 this section of the requirements of this title and of his or her  
19 responsibility to report to the county agency responsible for serving  
20 that parolee. Thirty days prior to the release of any person subject  
21 to postrelease supervision by a county, the department shall notify  
22 the county of all information that would otherwise be required for  
23 parolees under subdivision (e) of Section 3003.

24 (d) Any person released to postrelease community supervision  
25 pursuant to subdivision (a) shall, regardless of any subsequent  
26 determination that the person should have been released to parole  
27 pursuant to Section 3000.08, remain subject to subdivision (a) after  
28 having served 60 days under supervision pursuant to subdivision  
29 (a).

30 SEC. 12. Section 4019.1 is added to the Penal Code, to read:

31 4019.1. (a) Notwithstanding any other law, the sheriff or  
32 county director of corrections may, at his or her discretion, award  
33 additional time credits to any inmate sentenced to the county jail  
34 who participates in an in-custody work or job training program  
35 other than those specified in Section 4019.2, and who is eligible  
36 to receive one day of credit for every one day of incarceration  
37 pursuant to Section 4019. The sheriff or county director of  
38 corrections may instead award one and one-half days of credit for  
39 every one day of incarceration while satisfactorily participating in  
40 work or job training subject to this section.

1 (b) As used in this section, a work or job training program  
2 includes, but is not limited to, any inmate working on an industrial  
3 farm or industrial road camp as authorized in Section 4101, an  
4 environmental improvement and preservation program, or projects  
5 such as forest and brush fire prevention, forest, brush, and  
6 watershed management, fish and game management, soil  
7 conservation, and forest and watershed revegetation.

8 SEC. 13. Section 5003.2 is added to the Penal Code, to read:

9 5003.2. (a) The Secretary of the Department of Corrections  
10 and Rehabilitation, or his or her designee, shall provide written  
11 notification to any county impacted by the opening, closing, or  
12 changing of location of any reception center that accepts prisoners  
13 from county facilities, or by the opening, closing, or changing of  
14 the location of a parole office. Written notification of these changes  
15 shall also be provided to the California State Association of  
16 Counties, the California State Sheriffs' Association, and the Chief  
17 Probation Officers of California at least 90 days prior to the  
18 proposed change.

19 (b) The notification requirement in this section shall not apply  
20 to the opening, closing, or changing of location of a facility due  
21 to an emergency created by a riot, quarantine, or natural disaster.

22 SEC. 14. Section 13821 of the Penal Code is amended to read:

23 13821. (a) For the 2011–12 fiscal year, the Controller shall  
24 allocate 9 percent of the amount deposited in the Local Law  
25 Enforcement Services Account in the Local Revenue Fund 2011  
26 to the California Emergency Management Agency. The Controller  
27 shall allocate these funds on a quarterly basis beginning on October  
28 1. These funds shall be allocated by the Controller pursuant to a  
29 schedule provided by the California Emergency Management  
30 Agency which shall be developed according to the agency's  
31 existing programmatic guidelines and the following percentages:

32 (1) The California Multi-Jurisdictional Methamphetamine  
33 Enforcement Teams shall receive 47.52 percent in the 2011–12  
34 fiscal year.

35 (2) The Multi-Agency Gang Enforcement Consortium shall  
36 receive 0.2 percent in the 2011–12 fiscal year.

37 (3) The Sexual Assault Felony Enforcement Teams, authorized  
38 by Section 13887, shall receive 12.48 percent in the 2011–12 fiscal  
39 year.

1 (4) The High Technology Theft Apprehension and Prosecution  
2 Program, authorized by Section 13848.2, shall receive 26.83  
3 percent in the 2011–12 fiscal year.

4 (5) The Gang Violence Suppression Program authorized by  
5 Section 13826.1, shall receive 3.91 percent in the 2011–12 fiscal  
6 year.

7 (6) The Central Valley and Central Coast Rural Crime  
8 Prevention Programs, authorized by Sections 14170 and 14180,  
9 shall receive 9.06 percent in the 2011–12 fiscal year.

10 (b) For the 2011–12 fiscal year, the California Emergency  
11 Management Agency may be reimbursed up to five hundred eleven  
12 thousand dollars (\$511,000) from the funds allocated in subdivision

13 (a) for program administrative costs.

14 (c) Commencing with the 2012–13 fiscal year, the Controller  
15 shall allocate 8.35 percent of the amount deposited in the  
16 Enhancing Law Enforcement Activities Subaccount in the Local  
17 Revenue Fund 2011 and shall distribute the moneys as follows:

18 (1) Commencing with the 2012–13 fiscal year, the California  
19 Multi-Jurisdictional Methamphetamine Enforcement Teams shall  
20 receive 47.52 percent and shall be allocated by the Controller  
21 according to the following schedule:

23 Alameda County	1.7109%
24 Alpine County	0.6327%
25 Amador County	0.6327%
26 Butte County	1.6666%
27 Calaveras County	0.8435%
28 Colusa County	0.1623%
29 Contra Costa County	1.3163%
30 Del Norte County	0.2167%
31 El Dorado County	1.3716%
32 Fresno County	5.3775%
33 Glenn County	0.2130%
34 Humboldt County	1.0198%
35 Imperial County	2.5510%
36 Inyo County	0.6327%
37 Kern County	5.6938%
38 Kings County	0.9701%
39 Lake County	0.6604%

1	Lassen County	0.2643%
2	Los Angeles County	5.3239%
3	Madera County	0.9701%
4	Marin County	0.6292%
5	Mariposa County	0.6327%
6	Mendocino County	0.6846%
7	Merced County	1.8136%
8	Modoc County	0.0734%
9	Mono County	0.6327%
10	Monterey County	0.9018%
11	Napa County	0.6803%
12	Nevada County	0.7482%
13	Orange County	1.5661%
14	Placer County	2.6395%
15	Plumas County	0.1516%
16	Riverside County	5.6395%
17	Sacramento County	10.0169%
18	San Benito County	0.8404%
19	San Bernardino County	8.9364%
20	San Diego County	2.5510%
21	San Francisco County	1.0034%
22	San Joaquin County	4.6394%
23	San Luis Obispo County	1.3483%
24	San Mateo County	1.1224%
25	Santa Barbara County	1.3483%
26	Santa Clara County	2.0612%
27	Santa Cruz County	0.8333%
28	Shasta County	1.3426%
29	Sierra County	0.0245%
30	Siskiyou County	0.3401%
31	Solano County	1.8979%
32	Sonoma County	1.1610%
33	Stanislaus County	3.6272%
34	Sutter County	0.7177%
35	Tehama County	0.4808%
36	Trinity County	0.1044%
37	Tulare County	2.5306%
38	Tuolumne County	0.6327%
39		

Ventura County	1.3483%
Yolo County	1.5215%
Yuba County	0.5466%

(2) Commencing with the 2013–14 fiscal year, the California Multi-Jurisdictional Methamphetamine Enforcement Teams shall receive 47.52 percent and shall be allocated in monthly installments by the Controller according to the following schedule:

Alameda County	1.7109%
Alpine County	0.6327%
Amador County	0.6327%
Butte County	1.6666%
Calaveras County	0.8435%
Colusa County	0.1623%
Contra Costa County	1.3163%
Del Norte County	0.2167%
El Dorado County	1.3716%
Fresno County	5.3775%
Glenn County	0.2130%
Humboldt County	1.0198%
Imperial County	2.5510%
Inyo County	0.6327%
Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%
Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%
Orange County	1.5661%

1	Placer County	2.6395%
2	Plumas County	0.1516%
3	Riverside County	5.6395%
4	Sacramento County	10.0169%
5	San Benito County	0.8404%
6	San Bernardino County	8.9364%
7	San Diego County	2.5510%
8	San Francisco County	1.0034%
9	San Joaquin County	4.6394%
10	San Luis Obispo County	1.3483%
11	San Mateo County	1.1224%
12	Santa Barbara County	1.3483%
13	Santa Clara County	2.0612%
14	Santa Cruz County	0.8333%
15	Shasta County	1.3426%
16	Sierra County	0.0245%
17	Siskiyou County	0.3401%
18	Solano County	1.8979%
19	Sonoma County	1.1610%
20	Stanislaus County	3.6272%
21	Sutter County	0.7177%
22	Tehama County	0.4808%
23	Trinity County	0.1044%
24	Tulare County	2.5306%
25	Tuolumne County	0.6327%
26	Ventura County	1.3483%
27	Yolo County	1.5215%
28	Yuba County	0.5466%

31 (3) Commencing with the 2012–13 fiscal year, the Multi-Agency  
 32 Gang Enforcement Consortium shall receive 0.2 percent and shall  
 33 be allocated by the Controller to Fresno County.

34 (4) Commencing with the 2013–14 fiscal year, the Multi-Agency  
 35 Gang Enforcement Consortium shall receive 0.2 percent and shall  
 36 be allocated in monthly installments by the Controller to Fresno  
 37 County.

38 (5) Commencing with the 2012–13 fiscal year, the Sexual  
 39 Assault Felony Enforcement Teams, authorized by Section 13887,



1 shall receive 12.48 percent and shall be allocated by the Controller  
2 according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

11  
12 (6) Commencing with the 2013–14 fiscal year, the Sexual  
13 Assault Felony Enforcement Teams, authorized by Section 13887,  
14 shall receive 12.48 percent and shall be allocated by the Controller  
15 in monthly installments according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

25 (7) Commencing with the 2012–13 fiscal year, the High  
26 Technology Theft Apprehension and Prosecution Program,  
27 authorized by Section 13848.2, shall receive 26.83 percent and  
28 shall be allocated by the Controller according to the following  
29 schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	7.00%
Marin County, for use by the California District Attorneys Association in implementing subdivision (b) of Section 13848.4	1.75%
Sacramento County	18.25%
San Diego County	18.25%

1	Santa Clara County	18.25%
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3 (8) Commencing with the 2013–14 fiscal year, the High  
 4 Technology Theft Apprehension and Prosecution Program,  
 5 authorized by Section 13848.2, shall receive 26.83 percent and  
 6 shall be allocated by the Controller in monthly installments  
 7 according to the following schedule:

8

9	Los Angeles County	18.25%
10	Marin County	18.25%
11	Marin County, for use by the Department of Justice in 12 implementing subdivision (b) of Section 13848.4	7.00%
13	Marin County, for use by the California District 14 Attorneys Association in implementing subdivision 15 (b) of Section 13848.4	1.75%
16	Sacramento County	18.25%
17	San Diego County	18.25%
18	Santa Clara County	18.25%

19

20 (9) Commencing with the 2012–13 fiscal year, the Gang  
 21 Violence Suppression Program, authorized by Section 13826.1,  
 22 shall receive 3.91 percent and shall be allocated by the Controller  
 23 according to the following schedule:

24

25	Alameda County	9.6775%
26	Los Angeles County	22.5808%
27	Monterey County	9.6775%
28	Napa County	17.7417%
29	City of Oxnard	17.7417%
30	City of Sacramento	22.5808%

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32 (10) Commencing with the 2013–14 fiscal year, the Gang  
 33 Violence Suppression Program, authorized by Section 13826.1,  
 34 shall receive 3.91 percent and shall be allocated by the Controller  
 35 in monthly installments according to the following schedule:

36

37	Alameda County	9.6775%
38	Los Angeles County	22.5808%
39	Monterey County	9.6775%

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Napa County	17.7417%
City of Oxnard	17.7417%
City of Sacramento	22.5808%

(11) Commencing with the 2012–13 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06 percent and shall be allocated by the Controller according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(12) Commencing with the 2013–14 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%

Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(d) For any of the programs described in this section, funding will be distributed by local agencies as would otherwise have occurred pursuant to Section 1 of Chapter 13 of the Statutes of 2011, First Extraordinary Session.

SEC. 15. Section 1955 of the Welfare and Institutions Code is amended to read:

1955. (a) The allocation amount for each county from the Youthful Offender Block Grant Fund for offenders subject to Sections 733, 1766, and 1767.35 shall be allocated in four equal installments, to be paid in September, December, March, and June of each fiscal year, until June 30, 2013. Commencing with the 2013–14 fiscal year, the allocation amount for each county from the Youthful Offender Block Grant Special Account established in paragraph (2) of subdivision (c) of Section 30025 of the Government Code for offenders subject to Sections 733, 1766, and 1767.35 shall be allocated in monthly installments. In each fiscal year, the allocation amount shall be determined as follows:

(1) Fifty percent based on the number of the county’s juvenile felony court dispositions, according to the most recent data compiled by the Department of Justice, calculated as a percentage of the state total.

(2) Fifty percent based on the county’s population of minors from 10 to 17 years of age, inclusive, according to the most recent data published by the Department of Finance, calculated as a percentage of the state total.

(b) Each county shall receive a minimum block grant allocation of fifty-eight thousand five hundred dollars (\$58,500) for the 2007–08 fiscal year, and a minimum block grant allocation of one hundred seventeen thousand dollars (\$117,000) for each fiscal year thereafter.

(c) Commencing with the 2008–09 fiscal year, allocations shall be available to counties that have met the requirements of Section 1961.

1 SEC. 16. Section 1984 of the Welfare and Institutions Code is  
2 amended to read:

3 1984. (a) The amount allocated to each county probation  
4 department from the Juvenile Reentry Grant shall be distributed  
5 in two equal payments to be paid on October 30 and May 30 of  
6 each fiscal year, until June 30, 2013. Commencing with the  
7 2013–14 fiscal year, the amount allocated to each county probation  
8 department from the Juvenile Reentry Grant Special Account  
9 established in paragraph (2) of subdivision (c) of Section 30025  
10 of the Government Code shall be allocated in monthly installments.  
11 In each fiscal year the amount allocated to each county probation  
12 department from the Juvenile Reentry Grant Special Account shall  
13 be distributed pursuant to the criteria set forth in subdivisions (b)  
14 to (g), inclusive, of this section.

15 (b) Consistent with Sections 1766 and 1766.01, funds shall be  
16 allocated in the amount of fifteen thousand dollars (\$15,000) on  
17 an average daily population basis per ward discharged to the  
18 jurisdiction of the court and ordered by the court to be supervised  
19 by local county probation for monitoring and services during the  
20 previous fiscal year based on the actual number of discharged  
21 wards supervised at the local level. For each discharged ward, this  
22 funding shall be provided for 24 months.

23 (c) Consistent with Sections 208.5, 1767.35, and 1767.36, funds  
24 shall be allocated in the amount of one hundred fifteen thousand  
25 dollars (\$115,000) on an average daily population basis per  
26 discharged ward transferred to a local juvenile facility for violating  
27 a condition of court-ordered supervision during the previous fiscal  
28 year based on the actual number of discharged wards housed in a  
29 local juvenile detention facility or court-ordered placement facility  
30 where the costs of the housing is not reimbursable to the county  
31 through Title IV-E of the federal Social Security Act, or Medi-Cal.  
32 For each discharged ward, this funding shall be provided for the  
33 actual number of months the ward is housed in a facility up to 12  
34 months. This funding shall not be provided for wards housed in a  
35 jail under any circumstances.

36 (d) Consistent with Section 731.1, funds shall be allocated in  
37 the amount of fifteen thousand dollars (\$15,000) on an average  
38 daily population basis per parolee recalled by the county of  
39 commitment for monitoring and services during the previous fiscal  
40 year based on the actual number of parolees recalled. For each

1 recalled parolee, this funding shall be provided for the remaining  
2 duration of the term of state supervision, not to exceed 24 months.

3 (e) Consistent with Sections 1766 and 1766.01, funds shall be  
4 allocated in the amount of fifteen thousand dollars (\$15,000) on  
5 an average daily population basis per discharged ward transferred  
6 to the county of commitment for monitoring and services during  
7 the previous fiscal year based on the actual number of wards  
8 transferred. For each ward transferred on and after July 1, 2014,  
9 this funding shall be provided for the remaining duration of the  
10 term of juvenile court jurisdiction, not to exceed 24 months.

11 (f) Consistent with Sections 208.5, 1767.35, and 1767.36, no  
12 additional funding, beyond the initial fifteen thousand dollars  
13 (\$15,000) provided pursuant to subdivision (b) shall be allocated  
14 to counties for discharged wards who are housed in county jail or  
15 in any other county correctional facility for violating a condition  
16 of court-ordered supervision during the previous fiscal year.

17 (g) Consistent with Sections 208.5, 1767.35, and 1767.36, no  
18 additional funding, beyond the initial fifteen thousand dollars  
19 (\$15,000) provided pursuant to subdivision (b) shall be allocated  
20 to counties for discharged wards who are housed in a state juvenile  
21 facility for violating a condition of court-ordered supervision during  
22 the previous fiscal year.

23 SEC. 17. Section 18220 of the Welfare and Institutions Code  
24 is amended to read:

25 18220. (a) For the 2011–12 fiscal year, the Controller shall  
26 allocate 33.38 percent of the funds deposited in the Local Law  
27 Enforcement Services Account in the Local Revenue Fund 2011  
28 for purposes of Section 18221.

29 (b) (1) Commencing with the 2012–13 fiscal year, the  
30 Controller shall allocate 30.99 percent of the funds deposited in  
31 the Enhancing Law Enforcement Activities Subaccount in the  
32 Local Revenue Fund 2011 according to the schedule in subdivision  
33 (c), for purposes of Section 18221.

34 (2) Commencing with the 2013–14 fiscal year, the Controller  
35 shall allocate, in monthly installments, the funds specified in  
36 paragraph (1) in accordance with subdivision (c).

37 (c) The Controller shall allocate funds to local jurisdictions to  
38 support juvenile probation activities according to the following  
39 schedule:

1	Alameda County.....	3.9522%
2	Alpine County.....	0.0004%
3	Amador County.....	0.0597%
4	Butte County.....	0.3193%
5	Calaveras County.....	0.0611%
6	Colusa County.....	0.0341%
7	Contra Costa County.....	2.6634%
8	Del Norte County.....	0.1170%
9	El Dorado County.....	0.3016%
10	Fresno County.....	2.1547%
11	Glenn County.....	0.0536%
12	Humboldt County.....	0.1696%
13	Imperial County.....	0.3393%
14	Inyo County.....	0.1432%
15	Kern County.....	2.5687%
16	Kings County.....	0.3839%
17	Lake County.....	0.1866%
18	Lassen County.....	0.0543%
19	Los Angeles County.....	40.1353%
20	Madera County.....	0.2399%
21	Marin County.....	0.3742%
22	Mariposa County.....	0.0133%
23	Mendocino County.....	0.1975%
24	Merced County.....	0.3464%
25	Modoc County.....	0.0213%
26	Mono County.....	0.0071%
27	Monterey County.....	0.6039%
28	Napa County.....	0.3520%
29	Nevada County.....	0.1244%
30	Orange County.....	8.4582%
31	Placer County.....	0.2667%
32	Plumas County.....	0.0273%
33	Riverside County.....	3.2234%
34	Sacramento County.....	2.1350%
35	San Benito County.....	0.2136%
36	San Bernardino County.....	3.4715%
37	San Diego County.....	5.6095%
38	San Francisco County.....	1.9161%
39	San Joaquin County.....	0.8854%
40	San Luis Obispo County.....	0.6007%

1	San Mateo County.....	1.8974%
2	Santa Barbara County.....	1.6561%
3	Santa Clara County.....	5.8082%
4	Santa Cruz County.....	0.6128%
5	Shasta County.....	0.4116%
6	Sierra County.....	0.0037%
7	Siskiyou County.....	0.0750%
8	Solano County.....	1.0363%
9	Sonoma County.....	1.3043%
10	Stanislaus County.....	0.5275%
11	Sutter County.....	0.1344%
12	Tehama County.....	0.1444%
13	Trinity County.....	0.0346%
14	Tulare County.....	1.4116%
15	Tuolumne County.....	0.0706%
16	Ventura County.....	1.7193%
17	Yolo County.....	0.2543%
18	Yuba County.....	0.1125%

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20

21 SEC. 18. Section 18220.1 of the Welfare and Institutions Code  
22 is amended to read:

23 18220.1. (a) For the 2011–12 fiscal year, the Controller shall,  
24 on a quarterly basis beginning October 1, allocate 6.47 percent of  
25 the funds deposited in the Local Law Enforcement Services  
26 Account in the Local Revenue Fund 2011 pursuant to a schedule  
27 provided by the Department of Corrections and Rehabilitation.  
28 The department’s schedule shall provide for the allocation of funds  
29 appropriated in the annual Budget Act, and included in the Local  
30 Law Enforcement Services Account, among counties that operate  
31 juvenile camps and ranches based on the number of occupied beds  
32 in each camp as of 12:01 a.m. each day, up to the Corrections  
33 Standards Authority rated maximum capacity, as determined by  
34 the Corrections Standards Authority.

35 (b) Commencing with the 2012–13 fiscal year, the Controller  
36 shall allocate 6.01 percent of the funds deposited in the Enhancing  
37 Law Enforcement Activities Subaccount in the Local Revenue  
38 Fund 2011 pursuant to the schedule provided by the Department  
39 of Finance based on data reported to the Board of State and  
40 Community Corrections. The schedule shall provide for the



1 allocation of funds appropriated in the annual Budget Act, and  
2 included in the Enhancing Law Enforcement Activities Subaccount,  
3 among counties that operate juvenile camps and ranches based on  
4 the number of occupied beds in each camp as of 12:01 a.m. each  
5 day, up to the rated maximum capacity, as determined by the board.  
6 Allocations shall be made following the end of each fiscal quarter,  
7 beginning July 1, 2012, to account for beds occupied in that quarter.

8 (c) Commencing with the 2013–14 fiscal year, the Controller  
9 shall allocate 6.01 percent of the funds deposited in the Enhancing  
10 Law Enforcement Activities Subaccount in the Local Revenue  
11 Fund 2011 pursuant to the schedule provided by the Department  
12 of Finance based on data reported to the Board of State and  
13 Community Corrections. The schedule shall provide for the  
14 allocation of funds appropriated in the annual Budget Act, and  
15 included in the Enhancing Law Enforcement Activities Subaccount,  
16 among counties that operate juvenile camps and ranches based on  
17 the number of occupied beds in each camp as of 12:01 a.m. each  
18 day, up to the rated maximum capacity, as determined by the board.  
19 Allocations shall be made in monthly installments.

20 SEC. 19. If the Commission on State Mandates determines  
21 that this act contains costs mandated by the state, reimbursement  
22 to local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.

25 SEC. 20. The amount of two thousand dollars (\$2,000) is  
26 hereby appropriated from the California Bingo Fund to the  
27 Gambling Control Commission for the purpose of supporting  
28 workload associated with the licensing of remote caller-being *bingo*  
29 vendors, and shall be available for encumbrance and expenditure  
30 until June 30, 2014.

31 SEC. 21. This act is a bill providing for appropriations related  
32 to the Budget Bill within the meaning of subdivision (e) of Section  
33 12 of Article IV of the California Constitution, has been identified  
34 as related to the budget in the Budget Bill, and shall take effect  
35 immediately.

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