



May 14, 2021

Honorable Nancy Skinner, Chair
Senate Budget and Fiscal Review Committee

Attention: Joe Stephenshaw, Staff Director

Honorable Phil Ting, Chair
Assembly Budget Committee

Attention: Christian Griffith, Chief Consultant

Amendment to Various Budget Bill Items and Reimbursements, Support, and Statutory Changes, California Department of Corrections and Rehabilitation

Adult Population Adjustment—It is requested that Item 5225-001-0001 be increased by \$76,606,000 and 260.8 positions, Item 5225-002-0001 be increased by \$19,135,000 and decreased by 112.5 positions, Item 5225-008-0001 be increased by \$3,224,000 and 1.5 positions, Item 5225-009-0001 be increased by \$4,605,000 and 11.8 positions, and Item 5225-001-0917 be increased by \$2,589,000. These adjustments reflect both one-time and ongoing resources.

This reflects a net increase of \$106,159,000 and a net increase of 161.6 positions, which is comprised of an increase of \$103,570,000 General Fund and an increase of \$2,589,000 Inmate Welfare Fund.

The May Revision reflects an estimated average daily population of 106,259 in fiscal year 2021-22, which is 10,935 more than projected in the Governor's Budget. The projected parolee average daily population is 48,269 in 2021-22, which is an increase of 2,345 compared to the Governor's Budget projection.

Juvenile Population Adjustment—It is requested that Item 5225-001-0001 be increased by \$261,000 and 2.9 positions ongoing, reimbursements be decreased by \$232,000 ongoing, and Item 5225-011-0001 be decreased by \$255,000 and 2 positions ongoing. The May Revision reflects an estimated average daily population of 613 wards in 2021-22, which is 116 fewer wards than projected in the Governor's Budget.

Deuel Vocational Institution (DVI) Closure—It is requested that Item 5225-001-0001 be decreased by \$5,328,000 and 37.1 positions one-time, and Item 5225-012-0001 be decreased by \$95,000 one-time, to update the savings associated with the closure of

the DVI, scheduled for September 30, 2021. It is also requested that statutory changes be adopted to remove Penal Code references to the DVI (see Attachment 1).

Increased Parole Hearing Workload—It is requested that Item 5225-009-0001 be increased by \$3,140,000 and 21.3 positions ongoing to provide staffing and resources necessary for the Board of Parole Hearings to address increased workload associated with legislative changes and COVID-19 Pandemic related postponements. It is also requested that statutory changes be amended and added to expand the number of Board Commissioners from 17 to 21, to extend the allowable use of teleconference hearings, and to clarify existing law (see Attachment 2).

Expansion of Victims Support Services—It is requested that Item 5225-001-0001 be increased by \$1,348,000 and 10 positions ongoing to provide additional and consistent levels of support services and resources to victims.

Discrimination Complaint Tracking—It is requested that Item 5225-001-0001 be increased by \$815,000 and 6 positions ongoing to expand CDCR's process of centralizing its equal employment opportunity complaint process. This is a restoration of a 2020-21 Governor's Budget proposal that was partially withdrawn as a part of the 2020-21 May Revision in light of the COVID-19 Pandemic.

Inmate Visitation Expansion—It is requested that Item 5225-001-0001 be increased by \$20,279,000 and 124.1 positions ongoing to provide staffing and resources necessary to expand inmate visitation from two to three days per week at all institutions.

Statewide Telepsychiatry Program Supervision—It is requested that Item 5225-002-0001 be increased by \$3,759,000 and 9 positions ongoing to add supervisory staffing within the Statewide Telepsychiatry Program to enhance service delivery and meet operational needs.

Psychiatric Inpatient Program Integration and Standardization—It is requested that Item 5225-001-0001 be increased by \$25,790,000 and 176.9 positions ongoing, and Item 5225-002-0001 be increased by \$11,872,000 and 84.5 positions ongoing (decreasing to \$10.1 million ongoing in 2022-23), to standardize staffing across the five CDCR-operated Psychiatric Inpatient Program facilities and increase staffing in targeted areas to enhance CDCR's ability to provide services to patients served by these facilities.

Armstrong Court Compliance Continuation—It is requested that Item 5225-001-0001 be increased by \$80,461,000 and 152.1 positions for CDCR to implement remedial measures at 5 institutions pursuant to a March 2021 *Armstrong* court order, including deploying body-worn cameras, installing fixed security cameras, modifying the staff complaint inquiry processes, and increasing supervisory staffing and training. This amount includes \$53.9 million in one-time resources and \$28 million in ongoing resources. The Governor's Budget proposed resources for CDCR to implement similar measures at the Richard J. Donovan Correctional Facility pursuant to a September 2020 *Armstrong* court order.

Statewide Implementation of Fixed Video Surveillance—It is requested that Item 5225-001-0001 be increased by \$37,610,000 and 7 positions to enable CDCR to initiate a statewide roll-out of new fixed security cameras to increase the CDCR's capacity to interdict contraband, support reviews of staff and inmate misconduct, and deter illicit activities to maintain a safe environment for inmates and staff. This amount includes \$36.4 million in one-time funding and \$1.2 million ongoing (growing to \$11.1 million and 34 positions ongoing once the infrastructure is in place). The combination of these resources and funding proposed for the *Armstrong* Court Compliance Continuation proposal described above will enable CDCR to install fixed security cameras at nine institutions in 2021-22. The May Revision proposes one-time resources in 2022-23 and 2023-24, as well as ongoing resources, to enable CDCR to install fixed security cameras at ten additional projects in each 2022-23 and 2023-24. This three year investment will result in fixed security cameras throughout all CDCR institutions.

Valley State Prison Enhancements—It is requested that Item 5225-001-0001 be increased by \$11,042,000 and 6.8 positions, and Item 5225-008-0001 be increased by \$2,635,000 and 3 positions, to expand rehabilitative, education, and vocational programming opportunities at Valley State Prison and undertake associated facility improvements. Of this amount, approximately \$10.7 million is one-time and \$3 million is ongoing. It is also requested that provisional language be added to Item 5225-001-0001 to enable CDCR to complete installation of two modular buildings proposed to support increased rehabilitative programming (see Attachment 3).

Replacement of Dayroom Furniture—It is requested that Item 5225-001-0001 be increased by \$34,783,000 one-time to fund the replacement of existing stainless steel dayroom furniture with new more comfortable furniture for positive programming in non-designated program facilities and female institutions to create a more welcoming and community-like environment.

Statewide Process for Use of Force and Prison Rape Elimination Act Allegations—It is requested that Item 5225-001-0001 be increased by \$7,950,000 and 40 positions ongoing to address increased workload driven by expanding the scope of CDCR's Allegation Inquiry Management Section process to cover all use of force allegations against staff as well as allegations of staff misconduct that fall under the federal Prison Rape Elimination Act.

One-Time Deferred Maintenance—It is requested that Item 5225-001-0001 be increased by \$50 million one-time to provide additional funding for CDCR to address its deferred maintenance backlog. It is also requested that provisional language be amended to reflect this additional funding (see Attachment 4).

Reentry Facility Criteria Statutory Changes—It is requested that statutory changes be amended to expand eligibility for CDCR community reentry programs to certain specified individuals that are good candidates for these opportunities but are currently unable to participate based on the existing statutory framework (see Attachment 5).

Pine Grove Statutory Changes—It is requested that statutory changes be amended to facilitate continued operations of Pine Grove Youth Conservation Camp currently

operated through a partnership between CDCR's Division of Juvenile Justice (DJJ) and the California Department of Forestry and Fire Protection. The statutory changes will enable courts to assign local justice-involved youth at Pine Grove without committing them to DJJ, and authorize the state to enter into contracts with local governments to place youth at the camp. This action is consistent with language included in Chapter 337, Statutes of 2020 (SB 823) indicating the intent that Pine Grove remain open and functioning to train justice-involved youth in wildland firefighting skills. The statutory changes will be forthcoming.

California Sex Offender Management Board Expansion and Juvenile Sex Offender Treatment Certification Statutory Changes—It is requested that statutory changes be amended to increase the California Sex Offender Management Board's expertise related to the treatment of juvenile sex offenders by expanding its membership and creating a certification process for service providers treating youth who have committed a sex-related offense (see Attachment 6). This action will support the realignment of youth to counties starting July 1, 2021, as directed by SB 823.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Allison Hewitt, Principal Program Budget Analyst, or Justin Adelman, Principal Program Budget Analyst, at (916) 445-8913.

KEELY MARTIN BOSLER

Director

By:

/s/ Erika Li

ERIKA LI

Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Anthony Portantino, Chair, Senate Appropriations Committee
Attention: Mark McKenzie, Staff Director
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Kirk Feely, Fiscal Director
Honorable Lorena Gonzalez, Chair, Assembly Appropriations Committee
Attention: Jay Dickenson, Chief Consultant
Honorable Vince Fong, Vice Chair, Assembly Budget Committee
Attention: Joseph Shinstock, Fiscal Director
Honorable Maria Elena Durazo, Chair, Senate Budget and Fiscal Review Subcommittee
No. 5
Honorable Cristina Garcia, Chair, Assembly Budget Subcommittee No. 5
Gabriel Petek, Legislative Analyst
Christopher W. Woods, Senate President pro Tempore's Office
Jason Sisney, Assembly Speaker's Office
Paul Dress, Caucus Co-Chief of Staff, Assembly Republican Leader's Office
Luigi Luciano, Legislative Director, Assembly Republican Leader's Office
Kathleen Allison, Secretary, California Department of Corrections and Rehabilitation
Jeffrey Macomber, Undersecretary, Operations, California Department of Corrections and
Rehabilitation
Diana Toche, Undersecretary, Health Care Services, California Department of Corrections
and Rehabilitation
Jennifer Barretto, Undersecretary, Administration, California Department of Corrections
and Rehabilitation
Stacy Lopez, Director, Division of Administrative Services, California Department of
Corrections and Rehabilitation
Assistant Secretary, Legislative Affairs, California Department of Corrections and
Rehabilitation
Eric Swanson, Deputy Director, Fiscal Services – Division of Administrative Services,
California Department of Corrections and Rehabilitation
Madelynn McClain, Associate Director, Budget Management Branch, California
Department of Corrections and Rehabilitation
Clark Kelso, Receiver, California Department of Corrections and Rehabilitation
Richard Kirkland, Chief Deputy Receiver, California Department of Corrections and
Rehabilitation
Duane Reeder, Deputy Director, Fiscal Management Section, California Department of
Corrections and Rehabilitation

Section 2042.1 is added to the Penal Code, to read:

This article shall become inoperative on October 1, 2021, and, as of July 1, 2022, is repealed.

Section 4530.5 of the Penal Code is amended to read:

“(a) For the purposes of punishing escapes or attempts to escape under Section 4530, a person is deemed confined in a “state prison” if ~~he is~~ they are an adult prisoner confined in the Deuel Vocational Institution.

(b) This section shall become inoperative on October 1, 2021, and, as of July 1, 2022, is repealed.”

Section 12838.4 of the Government Code is amended to read:

"The Board of Parole Hearings is hereby created. The Board of Parole Hearings shall be comprised of ~~14-21~~ commissioners, who shall be appointed by the Governor, subject to Senate confirmation, for three-year terms. The Board of Parole Hearings hereby succeeds to, and is vested with, all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the following entities, which shall no longer exist: Board of Prison Terms, Narcotic Addict Evaluation Authority, and Youthful Offender Parole Board. For purposes of this article, the above entities shall be known as "predecessor entities."

Section 3041.6 of the Penal Code is added to read:

The Board of Parole Hearings may conduct proceedings by videoconference. All references in this article and Article 4 of Chapter 7 of this title to a participant's statutory right to meet, be present, appear, or to represent the interests of the people or another participant at a proceeding shall be satisfied by the participant's appearance by videoconference at the proceeding.

Section 3042 of the Penal Code is amended to read:

"(a) (1) At least 30 days before the Board of Parole Hearings meets to review or consider the parole suitability of any inmate sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: ~~the judge of the superior court before whom the inmate was tried and convicted,~~ the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, the law enforcement agency that investigated the case, and, if the inmate was convicted of the murder of a peace officer, the law enforcement agency that employed the peace officer at the time of the murder.

(2) If the inmate was convicted of the murder of a firefighter, the board or the Department of Corrections and Rehabilitation shall also send the written notice described in paragraph (1) to the fire department that employed the firefighter at the time of the murder, if that fire department registers with the board to receive that notification and provides the appropriate contact information.

(b) The Board of Parole Hearings shall record all of those hearings and transcribe recordings of those hearings within 30 days of any hearing. Those transcripts, including the transcripts of all prior hearings, shall be filed and maintained in the office of the Board of Parole Hearings and shall be made available to the public no later than 30 days from the date of the hearing. An inmate shall not be released on parole until 60 days from the date of the hearing have elapsed.

(c) At any hearing, the presiding hearing officer shall state ~~his or her~~ their findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of the hearing, unless the material is confidential in

order to preserve institutional security and the security of others who might be endangered by disclosure.

~~(e) (1) The written notice to the judge of the superior court before whom the inmate was tried and convicted shall be sent by United States mail.~~

~~(2) The judge receiving this written notice may forward to the board any unprivileged information from the trial or sentencing proceeding regarding the inmate, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the board should grant parole or under what conditions parole should be granted. The judge may also, in his or her discretion, include information given to him or her by victims, witnesses, or other persons that bear on the question of the inmate's suitability for parole.~~

~~(3)(e) The board shall review and consider all relevant and reliable information received from the judge or any other person and shall consider adjusting the imposing special conditions of parole to reflect the comments or concerns raised by this information, as appropriate.~~

~~(f) This section does not limit the type or content of information the judge or any other person may forward to the board for consideration under any other law.~~

~~(g) Any person who receives notice under subdivision (a) who is authorized to forward information for consideration in a parole suitability hearing for a person sentenced to a life sentence under this section, may forward that information either by facsimile or electronic mail. The Department of Corrections and Rehabilitation shall establish procedures for receiving the information by facsimile or electronic mail pursuant to this subdivision."~~

Section 5075 of the Penal Code is amended to read:

"(a) There is hereby created the Board of Parole Hearings. Any reference to the Board of Prison Terms in this code or any other law refers to the Board of Parole Hearings. As of July 1, 2005, the Board of Prison Terms is abolished.

(b) (1) The Governor shall appoint ~~17~~ 21 commissioners, subject to Senate confirmation, pursuant to this section. These commissioners shall be appointed and trained to hear only adult matters. Except as specified in paragraph (3), commissioners shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. An appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment.

(2) The terms of the commissioners shall expire as follows:

(A) ~~Five~~ Seven shall expire on July 1, ~~2020~~ 2022.

(B) ~~Six~~ Seven shall expire on July 1, ~~2021~~ 2023.

(C) ~~Six~~Seven shall expire on July 1, ~~2022~~2024.

(3) ~~The term for one of the commissioners whose position was created by the act that added this paragraph shall be for two years and shall begin on July 1, 2019. The term for the other commissioner whose position was created by the act that added this paragraph shall be for three years and shall begin on July 1, 2019. The terms of the four commissioners whose positions were created by the act that increased the number of commissioners to 21 in paragraph (1) shall begin on July 1, 2021, and shall be as follows: one commissioner's term shall be for one year; two commissioners' terms shall be for two years; and one commissioner's term shall be for three years.~~

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

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

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

Section 5076.1 of the Penal Code is amended to read:

"(a) The board shall meet at each of the state prisons and facilities under the jurisdiction of the Division of Adult Institutions. Meetings shall be held at whatever times may be necessary for a full and complete study of the cases of all inmates whose matters are considered. Other times and places of meeting may also be designated by the board. Each commissioner of the board shall receive ~~his or her~~ actual necessary traveling expenses incurred in the performance of ~~his or her~~ their official duties. Where the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, ~~at least seven members~~ a majority of commissioners holding office on the date the matter is heard by the board shall be present, and no action shall be valid unless it is concurred in by a majority vote of those present.

(b) The board may use deputy commissioners to whom it may assign appropriate duties, including hearing cases and making decisions. Those decisions shall be made in accordance with policies approved by a majority of the ~~total membership of the board.~~ commissioners holding office.

(c) The board may meet and transact business in panels. Each panel shall consist of two or more persons, subject to subdivision (d) of Section 3041. No action shall be valid unless concurred in by a majority vote of the persons present. In the event of a tie vote, the matter shall be referred ~~to a randomly selected committee, comprised of a majority of the commissioners specifically appointed to hear adult parole matters and who are holding office at the time,~~ for en banc review by the board. The commissioners conducting the review shall consider the full record that was before the panel that resulted in the tie vote. The review shall be limited to the full record that was before the panel that resulted in the tie vote. New evidence or comment shall not be considered in the en banc proceeding. A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the en banc review.

(d) Consideration of parole release for persons sentenced to life imprisonment pursuant to subdivision (b) of Section 1168 shall be heard by a panel of two or more commissioners or deputy commissioners, of which only one may be a deputy commissioner. A recommendation for recall of a sentence under subdivisions (d) ~~and (e)~~ of Section 1170 shall be made by a panel, a majority of whose commissioners are commissioners of the Board of Parole Hearings of two or more commissioners or deputy commissioners, of which only one may be a deputy commissioner."

Section 5076.2 of the Penal Code is amended to read:

"(a) Any rules and regulations, including any resolutions and policy statements, promulgated by the ~~Board of Prison Terms,~~ Board of Parole Hearings, shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall, to the extent practical, be stated in language that is easily understood by the general public.

(b) The ~~Board of Prison Terms~~ Board of Parole Hearings shall maintain, publish and make available to the general public, a compendium of its rules and regulations, including any resolutions and policy statements, promulgated pursuant to this section.

(c) The exception specified in this subdivision to the procedures specified in this section shall apply to the ~~Board of Prison Terms.~~ The chairperson Board of Parole Hearings. The executive officer may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State. However, no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them."

Section 5076.3 of the Penal Code is amended to read:

~~"The Chairman of the Board of Prison Terms~~ The executive officer of the Board of Parole Hearings shall have the authority of a head of a department set forth in subdivision (e) of Section 11181 of the Government Code to issue subpoenas as provided in Article 2 (commencing with Section 11180) of Chapter 2 of Division 3 of Title 2 of the Government Code. The board shall adopt regulations on the policies and guidelines for the issuance of subpoenas."

Add the following provision to Item 5225-001-0001:

4. Notwithstanding Section 6.00, the department may expend up to \$8.4 million General Fund from Schedule 8 to acquire and install two modular buildings of approximately 6,000 square feet each to support inmate programming at Valley State Prison. Section 13332.11 or 13332.19 of the Government Code shall not apply to the acquisition and installation of these buildings.

Amend Provision 3 of Item 5225-001-0001 as follows:

- "3. Of the amount appropriated in this item, ~~\$50,000,000~~\$100,000,000 shall be expended to address deferred maintenance projects that represent critical infrastructure deficiencies. The amount allocated shall be available for encumbrance or expenditure until June 30, 2024."

Section 6258.1 of the Penal Code is amended to read:

"An inmate shall not be transferred to a community correctional reentry facility unless all of the following conditions are met:

- (a) The inmate applies for a transfer to a community correctional reentry facility.
- ~~(b) The inmate is not currently serving a sentence for conviction of any offense described in subdivision (c) of Section 667.5.~~
- (b) The inmate does not have a current or prior conviction for an offense that requires registration as a sex offender as provided in Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.
- (c) The inmate has less than ~~one~~ two years left to serve in a correctional facility.
- (d) ~~The inmate has not been convicted previously~~ does not have a history, within the last 10 years, of an escape pursuant to Section 4532 of the Penal Code.
- (e) The department determines that the inmate would benefit from the transfer."

Section 1. Section 9001 of the Penal Code is amended to read:

“9001.

(a) The Sex Offender Management Board, which is hereby created under the jurisdiction of the Department of Corrections and Rehabilitation, shall consist of ~~17~~ 19 members. The membership of the board shall reflect, to the extent possible, representation of northern, central, and southern California, as well as both urban and rural areas. Each appointee to the board, regardless of the appointing authority, shall have the following characteristics:

(1) Substantial prior knowledge of issues related to sex offenders, at least insofar as related to ~~his or her~~ the appointee's own agency's practices.

(2) Decision making authority for, or direct access to those who have decision making authority for, the agency or constituency ~~he or she represents~~ represented.

(3) A willingness to serve on the board and a commitment to contribute to the board's work.

(b) The membership of the board shall consist of the following persons:

(1) State government agencies:

(A) The Attorney General or ~~his or her~~ a designee who shall be an authority in policy areas pertaining to sex offenders and shall have expertise in dealing with sex offender registration, notification, and enforcement.

(B) The Secretary of the Department of Corrections and Rehabilitation or ~~his or her~~ a designee who has expertise in parole policies and practices.

(C) The Director of the Division of Adult Parole Services or ~~his or her~~ Operations or a designee.

(D) One California state judge, appointed by the Judicial Council.

(E) The Director of State Hospitals or ~~his or her~~ a designee who is a licensed mental health professional with recognized expertise in the treatment of sex offenders.

(F) The Director of the California Health and Human Services Agency, Office of Youth and Community Restoration or a designee who has expertise in the treatment or supervision of juveniles who have offended sexually.

(2) Local government agencies:

(A) Three members who represent law enforcement, appointed by the Governor. One member shall possess investigative expertise and one member shall have law enforcement duties that include registration and notification responsibilities, and one shall be a chief probation officer.

(B) One member who represents prosecuting attorneys, appointed by the Senate Committee on Rules. ~~He or she~~ This member shall have expertise in dealing with adult sex offenders.

(C) One member who represents probation officers, appointed by the Speaker of the Assembly.

(D) One member who represents criminal defense attorneys, appointed by the Speaker of the Assembly.

(E) One member who is a county administrator, appointed by the Governor.

(F) One member who is a city manager or ~~his or her~~ a designee, appointed by the Speaker of the Assembly.

(3) Nongovernmental agencies:

(A) Two members who are licensed mental health professionals with recognized experience in working with sex offenders and who can represent, through their established involvement in a formal statewide professional organization, those who provide evaluation and treatment for adult sex offenders, appointed by the Senate Committee on Rules.

(B) One member who is a licensed mental health professional with experience treating juveniles who have offended sexually and who can represent those who provide evaluation and treatment for juveniles who have offended sexually, appointed by the Speaker of the Assembly.

~~(B)~~ (C) Two members who are recognized experts in the field of sexual assault and represent sexual assault victims, both adults and children, and rape crisis centers, appointed by the Governor.

(c) The board shall appoint a chair from among the members appointed pursuant to subdivision (b). The chair shall serve in that capacity at the pleasure of the board.

(d) Each member of the board who is appointed pursuant to this section shall serve without compensation.

(e) If a board member is unable to adequately perform ~~his or her~~ the required duties or is unable to attend more than three meetings in a single 12-month period, ~~he or she~~ the member is subject to removal from the board by a majority vote of the full board.

(f) Any ~~vacancies~~ vacancy on the board as a result of the removal of a member shall be filled by the appointing authority of the removed member within 30 days of the vacancy.

(g) The board may create, at its discretion, subcommittees or task forces to address specific issues. These may include board members as well as invited experts and other participants.

(h) The board shall hire a coordinator who has relevant experience in policy research. The board may hire other staff as funding permits.

(i) In the course of performing its duties, the board shall, when possible, make use of the available resources of research agencies such as the Legislative Analyst's Office, the California Research Bureau, the California State University system, including schools of public policy and criminology, and other similar sources of assistance.

(j) Staff support services for the board shall be provided by staff of the Department of Corrections and Rehabilitation as directed by the secretary."

Section 2. Section 9003 of the Penal Code is amended to read:

"9003.

(a) ~~On or before July 1, 2011, the board shall~~ The California Sex Offender Management Board shall:

~~(1) (A) develop and update standards for certification of sex offender management professionals. All these professionals who provide sex offender management programs and risk assessments, pursuant to Section 290.09, for adult offenders. Professionals shall be certified by the board according to these standards. The standards shall be published on the board's internet website. Internet Web site. Professionals may apply to the board for certification on or after August 1, 2011.~~

(B) Develop and update standards for certification of sex offender management programs, which shall include treatment, as specified, and dynamic and future violence risk assessments pursuant to Section 290.09. The standards shall be published on the board's internet website. Programs shall include polygraph examinations by a certified polygraph examiner, which shall be conducted as needed during the period that the offender is in the sex offender management program. Only certified sex offender management professionals whose programs meet the standards set by the board are eligible to provide sex offender management programs pursuant to Section 290.09.

(2) (A) On or before July 1, 2022, develop and update standards for the certification of professionals who treat individuals who were adjudicated by the juvenile court for a sex offense. Professionals who provide treatment for individuals who were adjudicated by the juvenile court for a sex offense, shall be certified by the board according to those standards. The standards shall be posted on the board's internet website. Professionals may apply for certification after August 1, 2022.

(B) On or before July 1, 2022, develop and update standards for certification of management programs for individuals who were adjudicated by the juvenile court for a sex offense. The standards shall be published on the board's internet website. Programs for individuals who were adjudicated by the juvenile court for a sex offense shall be provided only by professionals certified by the board.

~~(1) (A) (b)~~ (b) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all sex offender management applicants, as defined by subdivision (a), for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state arrests or federal arrests for which the Department of Justice establishes that the person is free on bail or on ~~his or her~~ their own recognizance pending trial or appeal.

~~(B)~~ (1) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the board.

~~(C)~~ (2) The Department of Justice shall provide a state and federal response to the board pursuant to paragraph (1) of subdivision (l) of Section 11105.

~~(D)~~ (3) The board shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2, for persons described in this subdivision ~~(a)~~.

~~(2)~~ (c) The board shall require ~~any~~ a person who applies for certification under this section to submit information relevant to the applicant's fitness to provide sex offender management services. ~~Any~~ A person who knowingly provides false information under this paragraph shall be subject to a civil penalty in an amount up to one thousand five hundred dollars (\$1,500), in addition to any other remedies available to the board. An action for a civil penalty under this ~~provision~~ subparagraph may be brought by any public prosecutor in the name of the people of the State of California.

~~(3)~~ (d) The board shall assess a fee to the applicant not to exceed one hundred eighty dollars (\$180) per application. The board shall pay a fee to the Department of Justice sufficient to cover the cost of processing the criminal background request specified in this section.

~~(b)~~ On or before July 1, 2011, the board shall develop and update standards for certification of sex offender management programs, which shall include treatment, as specified, and dynamic and future violence risk assessments pursuant to Section 290.09. The standards shall be published on the board's Internet Web site. All these programs shall include polygraph examinations by a certified polygraph examiner, which shall be conducted as needed during the period that the offender is in the sex offender management program. Only certified sex offender management professionals whose programs meet the standards set by the board are eligible to provide sex offender management programs pursuant to Section 290.09.

~~(c)~~ (e) Certified sex offender management professionals, who provide sex offender management programs and risk assessments pursuant to Section 290.09, and certified professionals who provide treatment to individuals who were adjudicated by the juvenile court for a sex offense, shall not be held civilly liable for ~~any~~ criminal acts committed by the persons on parole, probation, or judicial commitment status who receive supervision or treatment. This waiver of liability ~~shall apply~~ applies to certified sex offender management professionals, administrators of the programs provided by those professionals, and to agencies or persons under contract to those professionals ~~who~~ that provide screening, clinical evaluation, risk assessment, supervision, or treatment to sex offender parolees, probationers, or persons on conditional release pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code. The waiver of liability also applies to certified professionals and programs who provide treatment to individuals who were adjudicated by the juvenile court for a sex offense.

~~(d) On or before July 1, 2011, the~~ (f) The board shall develop and update standards for certification of polygraph examiners. The standards shall be published on the board's ~~Internet Web site~~ internet website."



May 14, 2021

Honorable Nancy Skinner, Chair
Senate Budget and Fiscal Review Committee

Attention: Joe Stephenshaw, Staff Director

Honorable Phil Ting, Chair
Assembly Budget Committee

Attention: Christian Griffith, Chief Consultant

Amendment to Budget Bill Items 5225-301-0001, 5225-491, and 5225-495, and Statutory Changes, Capital Outlay, Department of Corrections and Rehabilitation

California Health Care Facility, Stockton (CHCF): Facility B Individual Exercise Yards—Preliminary Plans and Working Drawings (Issue 418)—It is requested that Item 5225-301-0001 be increased by \$537,000 for the preliminary plans and working drawings phases of a project that includes the design and construction of ten individual exercise yards at CHCF. This project is necessary to allow maximum custody patients receiving inpatient mental health treatment at CHCF to participate in out-of-cell recreation therapy consistent with their mental health treatment plan. The project is also necessary to address a Coleman Court Special Master report from January 2021 that specifically mentions this facility and its lack of yard space for maximum custody patients receiving inpatient mental health treatment.

Health Care Facility Improvement Program (HCFIP), Lease Revenue Bonds to General Fund—Construction (Issue 451)—It is requested that Item 5225-301-0001 be increased by \$115,700,000 in order to fund the remaining HCFIP projects with General Fund instead of existing lease revenue bond financing authority. The funding for these projects is currently derived from bond proceeds generated through asset transfers; however, at this time it is unclear whether the value of the remaining assets are sufficient to complete these projects (see Attachment 1).

As part of this proposal, it is requested that Item 5225-495 be amended to revert existing lease revenue bond authority, and that statutory changes be adopted to display the corresponding relevant reversions identified in Item 5225-495, Schedule (2) (see Attachments 2 and 3). In addition, the 2021-22 April Finance Letter requesting additional lease revenue bond financing authority of \$43,235,000, is being officially withdrawn and replaced with this proposal.

California Institution for Men, Chino: 50-Bed Mental Health Crisis Facility

Reappropriation—Construction (Issue 414)—It is requested that Item 5225-491 be amended by reappropriating Item 5225-301-0660, Budget Act of 2020 in the amount of \$91,032,000 Public Buildings Construction Fund for the construction phase of a project that will design and construct a licensed 50-bed Mental Health Crisis Facility at California Institution for Men, Chino. This project has been delayed due to recent California Environmental Quality Act litigation. This project is also part of the state's effort to comply with court-ordered improvements statewide (see Attachment 4).

Medication Distribution Improvements Phase II—Construction—It is requested that Item 5225-491 be amended by reappropriating Item 5225-301-0001, Budget Act of 2020 in the amount of \$30,096,000 for the reappropriation of 13 Medication Distribution Improvements Phase II projects as outlined in the following 13 paragraphs in order to ensure sufficient time for the Working Drawings phase to be completed. These projects are a part of the state's effort to comply with court-ordered improvements statewide (see Attachment 4).

- **California State Prison, Corcoran: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 361):** \$2,579,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **California Health Care Facility, Stockton: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 362):** \$5,246,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **California State Prison, Los Angeles County, Lancaster: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 363):** \$3,546,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Richard J. Donovan Correctional Facility, San Diego: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 364):** \$3,339,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **California State Prison, Sacramento: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 365):** \$6,975,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Salinas Valley State Prison, Soledad: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 366):** \$1,848,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Central California Women's Facility, Chowchilla: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 367):** \$753,000 for the construction phase of the Medication Distribution Improvements Phase II project.

- **California Institution for Women, Chino: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 368):** \$804,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Folsom State Prison, Folsom: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 369):** \$1,035,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Mule Creek State Prison, Ione: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 370):** \$726,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **California State Prison, Solano, Vacaville: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 371):** \$840,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Correctional Training Facility, Soledad: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 377):** \$724,000 for the construction phase of the Medication Distribution Improvements Phase II project.
- **Pelican Bay State Prison, Crescent City: Medication Distribution Improvements Phase II Reappropriation—Construction (Issue 419):** \$1,681,000 for the construction phase of the Medication Distribution Improvements Phase II project.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Koreen Van Ravenhorst, Principal Program Budget Analyst, at (916) 445-9694.

KEELY MARTIN BOSLER

Director

By:

/s/ Erika Li

ERIKA LI

Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Anthony Portantino, Chair, Senate Appropriations Committee
Attention: Mark McKenzie, Staff Director
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
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Corrections and Rehabilitation
Chris Lief, Deputy Director, Facility Planning, Construction, and Management, Department
of Corrections and Rehabilitation
Michelle Weaver, Associate Director, Facility Planning, Construction, and Management,
Department of Corrections and Rehabilitation

"5225-301-0001 – For capital outlay, Department of Corrections and Rehabilitation..... ~~42,850,000~~ 159,908,000

Schedule:

- (1) 0000401 – Statewide: Minor Capital Outlay Program1,515,000
 - (a) Minor projects.....1,515,000
- (2) 0000729 – Calipatria State Prison, Calipatria: Health Care Facility Improvement Project (AB 900 GF)4,145,000
 - (a) Construction4,145,000
- (3) 0003263 – California Institution for Men, Chino: Air Cooling Facility A.....13,886,000
 - (a) Construction13,886,000
- (4) 0004989 – Valley State Prison, Chowchilla: Arsenic and Manganese Removal Water Treatment Plant20,275,000
 - (a) Construction20,275,000
- (5) 0006537 – California Substance Abuse Treatment Facility and State Prison, Corcoran: Air Cooling Facility F and G.....2,701,000
 - (a) Preliminary plans.....1,425,000
 - (b) Working drawings1,276,000
- (6) 0007318 – California State Prison, Los Angeles County, Lancaster: Medication Preparation Room Unit D5..... 328,000
 - (a) Working drawings.....328,000
- (7) 0008407 – Chuckawalla Valley State Prison, Blythe: New Potable Water Wells 821,000
 - (a) Preliminary plans 821,000
- (8) 0008908 – California Health Care Facility, Stockton: Facility B Individual Exercise Yards 537,000
 - (a) Preliminary plans 248,000
 - (b) Working drawings289,000
- (9) 0000322 – California Correctional Institution, Tehachapi: Health Care Facility Improvement Project.....10,096,000
 - (a) Construction.....10,096,000
- (10) 0000334 – California Medical Facility, Vacaville: Health Care Facility Improvement Project.....1,000
 - (a) Construction.....1,000

- (11) 0000337 – California Men's Colony, San Luis Obispo: Health Care Facility Improvement Project.....12,518,000
(a) Construction.....12,518,000
- (12) 0000344 – California State Prison, Corcoran: Health Care Facility Improvement Project.....11,359,000
(a) Construction.....11,359,000
- (13) 0000348 – California State Prison, Sacramento: Health Care Facility Improvement Project.....1,128,000
(a) Construction.....1,128,000
- (14) 0000350 – California State Prison Solano, Vacaville: Health Care Facility Improvement Project.....8,382,000
(a) Construction.....8,382,000
- (15) 0000351 – California Substance Abuse Treatment Facility and State Prison, Corcoran: Health Care Facility Improvement Project.....10,679,000
(a) Construction.....10,679,000
- (16) 0000353 – Central California Women's Facility, Chowchilla: Health Care Facility Improvement Project.....20,404,000
(a) Construction.....20,404,000
- (17) 0000364 – Folsom State Prison, Folsom: Health Care Facility Improvement Project.....1,000
(a) Construction.....1,000
- (18) 0000388 – Mule Creek State Prison, Lone: Health Care Facility Improvement Project.....2,120,000
(a) Construction.....2,120,000
- (19) 0000390 – North Kern State Prison, Delano: Health Care Facility Improvement Project.....8,851,000
(a) Construction.....8,851,000
- (20) 0000391 – Richard J. Donovan Correctional Facility, San Diego: Health Care Improvement Project.....638,000
(a) Construction.....638,000
- (21) 0000403 – Valley State Prison, Chowchilla: Health Care Facility Improvement Project.....7,885,000
(a) Construction.....7,885,000

- (22) 0000404 – Wasco State Prison, Wasco: Health Care Facility Improvement Project.....6,664,000
(a) Construction.....6,664,000

- (23) 0000658 – High Desert State Prison, Susanville: Health Care Facility Improvement Project.....7,612,000
(a) Construction.....7,612,000

- (24) 0000659 – Kern Valley State Prison, Delano: Health Care Facility Improvement Project.....411,000
(a) Construction.....411,000

- (25) 0000660 – Pleasant Valley State Prison, Coalinga: Health Care Facility Improvement Project.....3,751,000
(a) Construction.....3,751,000

- (26) 0004995 – Correctional Training Facility, Soledad: Health Care Facility Improvement Project—Specialty Care Clinic.....3,200,000
(a) Construction.....3,200,000

Provisions:

1. Notwithstanding any law, the Director of Finance may, pursuant to a request by the California Department of Corrections and Rehabilitation, authorize the augmentation of the amounts appropriated for expenditure on projects identified in Schedules 9 through 26 by making a transfer from any such project to another project identified in Schedules 9 through 26.
2. Notwithstanding any law, the amounts appropriated in Schedules 9 through 26 are not subject to augmentation by the State Public Works Board.

"5225-495—Reversion, Department of Corrections and Rehabilitation. As of June 30, 2021, the balances specified below of the appropriations provided in the following citations shall revert to the balances in the funds from which the appropriations were made.

0001—General Fund

(1) Item 5225-301-0001, Budget Act of 2020

- (1) \$1,570,000 appropriated in Project 0003310-California State Prison, Corcoran: Medication Distribution Improvements—Phase II
 - (a) Construction

0660—Public Buildings Construction Fund

(1) \$2,666,000 in Item 5225-301-0660, Budget Act of 2020

- (2) Project 0004995-Correctional Training Facility Soledad: Health Care Facility Improvement Project—Specialty Care Clinic
 - (a) Construction

(2) \$42,804,000 appropriated in Government Code Section 15819.403, as amended by Chapter 29, Statutes of 2020.

- (1) \$6,108,000 in Project 0000322-California Correctional Institution, Tehachapi: Health Care Facility Improvement Project
 - (a) Construction
- (2) \$3,071,000 in Project 0000337-California Men's Colony, San Luis Obispo: Health Care Facility Improvement Project
 - (a) Construction
- (3) \$1,128,000 in Project 0000348-California State Prison, Sacramento: Health Care Facility Improvement Project
 - (a) Construction
- (4) \$4,810,000 in Project 0000350-California State Prison Solano, Vacaville: Health Care Facility Improvement Project
 - (a) Construction
- (5) \$6,310,000 in Project 0000351-California Substance Abuse Treatment Facility and State Prison, Corcoran: Health Care Facility Improvement Project
 - (a) Construction
- (6) \$2,120,000 in Project 0000388-Mule Creek State Prison, Lone: Health Care Facility Improvement Project
 - (a) Construction

- (7) \$4,914,000 in Project 0000390-North Kern State Prison, Delano: Health Care Facility Improvement Project (a) Construction
 - (8) \$638,000 in Project 0000391-Richard J. Donovan Correctional Facility, San Diego: Health Care Facility Improvement Project (a) Construction
 - (9) \$3,055,000 in Project 0000403-Valley State Prison, Chowchilla: Health Care Facility Improvement Project (a) Construction
 - (10) \$4,170,000 in Project 0000404-Wasco State Prison, Wasco: Health Care Facility Improvement Project (a) Construction
 - (11) \$3,667,000 in Project 0000658-High Desert State Prison, Susanville: Health Care Facility Improvement Project (a) Construction
 - (12) \$411,000 in Project 0000659-Kern Valley State Prison, Susanville: Health Care Facility Improvement Project (a) Construction
 - (13) \$2,402,000 in Project 0000660-Pleasant Valley State Prison, Coalinga: Health Care Facility Improvement Project (a) Construction
- (3) \$2,714,000 appropriated through an augmentation approved by the State Public Works Board at the Board's April 16, 2021 meeting.
- (1) Project 0000322-California Correctional Institution, Tehachapi: Health Care Facility Improvement Project (a) Construction"

Government Code Section 15819.403

"(a) The board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to this part to finance the design and construction, including, without limitation, renovation, and the costs of interim financing of the projects authorized in Section 15819.40. Authorized costs for design and construction, including, without limitation, renovation, and construction-related costs for all projects approved for financing by the board shall not exceed one billion six million three hundred sixty-nine thousand dollars (\$1,006,369,000) for subdivision (a) of Section 15819.40, and ~~one billion one hundred seventy one million nine hundred sixty one thousand dollars (\$1,171,961,000)~~ one billion one hundred twenty-nine million one hundred fifty-seven thousand dollars (\$1,129,157,000) for subdivision (b) of Section 15819.40.

(b) Notwithstanding Section 13340, funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to this chapter are hereby continuously appropriated to the board on behalf of the Department of Corrections and Rehabilitation for the purposes specified in Section 15819.40.

(c) For the purposes of this section, "construction-related costs" shall include mitigation costs of local government and school districts and shall be made available pursuant to subdivisions (c) and (d) of Section 7005.5 of the Penal Code. It is the intent of the Legislature that any payments made for mitigation shall be made in a timely manner.

(d) Notwithstanding any other law, the financing authorized in this section for projects approved pursuant to subdivision (a) of Section 15819.40 shall only be used for the California Health Care Facility, Stockton project and the conversion of the DeWitt Nelson Youth Correctional Facility to a semiautonomous annex facility to the California Health Care Facility. In addition, the financing authorized in this section for projects approved pursuant to subdivision (b) of Section 15819.40 shall only be used for the following projects:

- (1) The California Medical Facility, Vacaville: Intermediate Care Facility.
- (2) The California Institution for Women, Chino: Acute/Intermediate Care Facility.
- (3) The California State Prison Los Angeles County, Lancaster: Enhanced Outpatient Program Treatment and Office Space.
- (4) The California Men's Colony, San Luis Obispo: Mental Health Crisis Beds Facility.
- (5) The California Medical Facility, Vacaville: Enhanced Outpatient Program Treatment and Office Space.
- (6) The California State Prison, Sacramento: Psychiatric Services Unit Treatment and Office Space.
- (7) The California State Prison, Corcoran: Administrative Segregation Unit/Enhanced Outpatient Program Treatment and Office Space.

(8) The Salinas Valley State Prison, Soledad: Enhanced Outpatient Program Treatment and Office Space.

(9) The Central California Women's Facility, Chowchilla: Enhanced Outpatient Program Treatment and Office Space.

(10) All projects established by the board in the Health Care Facility Improvement Program.

~~(e) The amount authorized in subdivision (a) for subdivision (b) of Section 15819.40 reflects an increase of one hundred twenty-five million three hundred eighty-two thousand dollars (\$125,382,000) to fund any project established by the board in the Health Care Facility Improvement Program, subject to all of the following:~~

~~(1) Each allocation shall be approved by the board.~~

~~(2) Not less than 20 days prior to the board's approval, the Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the respective fiscal committee of each house of the Legislature the following:~~

~~(A) The name of the project, the additional allocation received, the reason for this allocation, and the estimated date of completion.~~

~~(B) The amount remaining to be allocated to other projects."~~

“5225-491—Reappropriation, Department of Corrections and Rehabilitation. The balances of the appropriations provided, or the specified dollar amount, if provided, in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations:

0001—General Fund

- (1) \$6,005,000 for subdivision (a) of Section 28 of Chapter 7 of the Statutes of 2007, as reappropriated by Item 5225-491, Budget Act of 2009, Budget Act of 2012, Budget Act of 2016, Budget Act of 2019, and Budget Act of 2020, and as partially reverted by Item 5225-496, Budget Act of 2009, Item 5225-497, Budget Act of 2010, and Item 5225-495, Budget Act of 2011, for capital outlay to renovate, improve, or expand infrastructure capacity at existing prison facilities. The balance of this appropriation shall be available for encumbrance of expenditure until June 30, 2022.
- (2) Up to \$30,096,000 of Item 5225-301-0001, Budget Act of 2020
 - (2) \$2,579,000 in Project 0003310-California State Prison, Corcoran: Medication Distribution Improvements—Phase II—Construction
 - (3) \$5,246,000 in Project 0003311-California Health Care Facility, Stockton: Medication Distribution Improvements—Phase II—Construction
 - (4) \$3,546,000 in Project 0003312-California State Prison Los Angeles County, Lancaster: Medication Distribution Improvements—Phase II—Construction
 - (5) \$1,681,000 in Project 0003314-Pelican Bay State Prison, Crescent City: Medication Distribution Improvements—Phase II—Construction
 - (6) \$3,339,000 in Project 0003315-Richard J. Donovan Correctional Facility, San Diego: Medication Distribution Improvements—Phase II—Construction
 - (7) \$6,975,000 in Project 0003316-California State Prison, Sacramento: Medication Distribution Improvements—Phase II—Construction
 - (8) \$1,848,000 in Project 0003317-Salinas Valley State Prison, Soledad: Medication Distribution Improvements—Phase II—Construction
 - (9) \$753,000 in Project 0003318-Central California Women's Facility, Chowchilla: Medication Distribution Improvements—Phase II—Construction
 - (10) \$804,000 in Project 0003319-California Institution for Women, Chino: Medication Distribution Improvements—Phase II—Construction
 - (11) \$724,000 in Project 0003320-Correctional Training Facility,

- Soledad: Medication Distribution Improvements—Phase II—
Construction
- (12) \$1,035,000 in Project 0003321-Folsom State Prison, Folsom:
Medication Distribution Improvements—Phase II—
Construction
- (13) \$726,000 in Project 0003322-Mule Creek State Prison, Ione:
Medication Distribution Improvements—Phase II—
Construction
- (14) \$840,000 in Project 0003323-California State Prison Solano,
Vacaville: Medication Distribution Improvements—Phase II—
Construction

0660—Public Buildings Construction Fund

- (1) Up to \$91,032,000 of Item 5225-301-0660, Budget Act of 2020
(1) 0001427-California Institution for Men, Chino: 50-bed Mental
Health Crisis Facility—Construction"



May 14, 2021

Honorable Nancy Skinner, Chair
Senate Budget and Fiscal Review Committee

Attention: Joe Stephenshaw, Staff Director

Honorable Phil Ting, Chair
Assembly Budget Committee

Attention: Christian Griffith, Chief Consultant

Amendment to Budget Bill Item 5227-106-0001 and 5227-108-0001, Local Assistance, Board of State and Community Corrections

Post Release Community Supervision Population— It is requested that Item 5227-106-0001 be increased by \$4,039,000 one-time to adjust the amount provided to county probation departments to supervise offenders on Post Release Community Supervision. The adjustment reflects a revised estimate of the temporary increase in the number of offenders expected to be released to Post Release Community Supervision as a result of the Public Safety and Rehabilitation Act of 2016 (Proposition 57).

California Violence Intervention and Prevention Program— It is requested that Item 5227-108-0001 be increased by \$67 million in fiscal years 2021-22 and 2022-23. This amount decreases to \$66 million in 2023-24. This funding will support grants for cities and community-based organizations to implement violence intervention and prevention programs. It is also requested that provisional language be amended to conform to this action (see Attachment 1).

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Justin Adelman, Principal Program Budget Analyst, at (916) 445-8913.

KEELY MARTIN BOSLER
Director
By:

/s/ Erika Li

ERIKA LI
Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Anthony Portantino, Chair, Senate Appropriations Committee
Attention: Mark McKenzie, Staff Director
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Kirk Feely, Fiscal Director
Honorable Lorena Gonzalez, Chair, Assembly Appropriations Committee
Attention: Jay Dickenson, Chief Consultant
Honorable Vince Fong, Vice Chair, Assembly Budget Committee
Attention: Joseph Shinstock, Fiscal Director
Honorable Maria Elena Durazo, Chair, Senate Budget and Fiscal Review Subcommittee No. 5
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Gabriel Petek, Legislative Analyst
Christopher W. Woods, Senate President pro Tempore's Office
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Paul Dress, Caucus Co-Chief of Staff, Assembly Republican Leader's Office
Luigi Luciano, Legislative Director, Assembly Republican Leader's Office
Kathleen Howard, Executive Director, Board of State and Community Corrections

Amendment to Provisions 3, 4, 9, and 10 in Item 5227-108-0001 as follows:

- "3. The amount appropriated in subdivision (b) of Schedule (1) shall be for competitive grants to cities or community-based organizations. A grant shall not exceed ~~\$1,500,000~~ \$6,000,000, and at least two grants shall be awarded to cities with populations of 200,000 or less."
- "4. In awarding CalVIP grants, the Board of State and Community Corrections shall give preference to applicants in cities or regions that are disproportionately affected by violence, and shall give preference to applicants that propose to direct CalVIP funds to programs that have been shown to be the most effective at reducing violence. In addition, the Board of State and Community Corrections shall give preference to proposals that address reducing violence involving youth aged 14 through 25."
- "9. Commencing funds appropriated in this item are available for encumbrance and expenditure until June 30, ~~2024~~2026."
- "10. Upon order of the Director of Finance, up to 5 percent of the amount appropriated in Schedule (1) shall be transferred to Schedule (1) of Item 5227-001-0001 for costs to administer the CalVIP program. Funds transferred pursuant to this provision are available for encumbrance and expenditure until June 30, ~~2024~~2026."



May 14, 2021

Honorable Nancy Skinner, Chair
Senate Budget and Fiscal Review Committee

Attention: Joe Stephenshaw, Staff Director

Honorable Phil Ting, Chair
Assembly Budget Committee

Attention: Christian Griffith, Chief Consultant

Addition of Statutory Changes, Capital Outlay, Board of State and Community Corrections and Department of Corrections and Rehabilitation

Reduction of County Jail Construction Authority (Issues 057 and 421)—It is requested that statutory changes be adopted to decrease the lease revenue authority for county jail construction programs by \$229,059,000 resulting from award relinquishments and unawarded funds for the construction of adult local criminal justice facilities. This proposed action will eliminate the remaining and relinquished bond authority for the county jail construction financing programs (see Attachment 1). These statutory reductions affect four separate county jail financing programs for the local jail and adult local criminal justice facility financing programs (see Attachment 2). There is a separate, but related action to allocate resources instead to award competitive grants to qualified county and tribal entities to acquire and rehabilitate real estate assets that expand behavioral health treatment resources for individuals with a serious mental illness who are deemed Incompetent to Stand Trial on a felony charge. See related issue in the Department of Health Care Services Finance Letter.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Koreen Van Ravenhorst, Principal Program Budget Analyst, at (916) 445-9694.

KEELY MARTIN BOSLER
Director
By:

/s/ Erika Li

ERIKA LI
Chief Deputy Director

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John Prince, Deputy Director, Board of State and Community Corrections
Ryan Okimura, Manager, Board of State and Community Corrections
Dean Borg, Director, Facility Planning, Construction, and Management, Department of
Corrections and Rehabilitation
Chris Lief, Deputy Director, Facility Planning, Construction, and Management, Department
of Corrections and Rehabilitation
Michelle Weaver, Associate Director, Facility Planning, Construction, and Management,
Department of Corrections and Rehabilitation

Government Code Section 15820.913

“(a) The SPWB may issue up to eight hundred forty million four hundred forty-five thousand three hundred ninety-seven dollars ~~eight hundred sixty-seven million four hundred thirty-four thousand dollars~~ (\$~~867,434,000~~840,445,397) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 of Part 10b of Division 3 of Title 2 (commencing with Section 15830) to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities described in Section 15820.911, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, preliminary plans, working drawings, and construction for approved projects.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.912 are continuously appropriated for purposes of this chapter.

Government Code Section 15820.922

“(a) The board may issue up to four hundred twelve million four hundred seventy-four thousand dollars ~~five hundred nine million sixty thousand dollars~~ (\$~~509,060,000~~412,474,000) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 (commencing with Section 15830) to finance the acquisition, design, and construction, including, without limitation, renovation, and a reasonable construction reserve, of approved adult local criminal justice facilities described in Section 15820.92, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, design, and construction, including, without limitation, renovation, for approved adult local criminal justice facilities.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.921 are continuously appropriated for purposes of this chapter.”

Government Code Section 15820.932

“(a) The board may issue up to four hundred twenty million dollars ~~five hundred million dollars~~ (\$~~500,000,000~~420,000,000) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 (commencing with Section 15830) to finance the acquisition, design, and construction, including, without limitation, renovation, and a reasonable construction reserve, of approved adult local criminal justice facilities described in Section 15820.930, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, design, and

construction, including, without limitation, renovation, for approved adult local criminal justice facilities.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.931 are continuously appropriated for purposes of this chapter."

Government Code Section 15820.942

"(a) The board may issue up to two hundred forty-four million five hundred sixteen thousand dollars ~~two hundred seventy million dollars~~ (~~\$270,000,000~~244,516,000) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 (commencing with Section 15830), to finance the acquisition, design, and construction, including, without limitation, renovation, and a reasonable construction reserve, of approved adult local criminal justice facilities described in Section 15820.940, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, design, and construction, including, without limitation, renovation, for approved adult local criminal justice facilities.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.941 are continuously appropriated for purposes of this chapter."

Local Jail Relinquishments since March 15, 2020					
	<u>Siskiyou County</u>	<u>Imperial County</u>	<u>Sacramento County</u>	<u>Santa Clara</u>	<u>Lassen County</u>
Program	AB 900 Phase II	SB 1022	SB 1022	SB 863	SB 844
Establishment Dates by PWB	December 20, 2018	Never established	December 12, 2014	April 8, 2019	Never established
Award Date(s) and amounts	December 20, 2018: \$26,985,416	April 11, 2018: \$16,586,000	January 16, 2014: \$56,432,000 (partial) June 10, 2015: additional \$23,568,000 due to relinquishment from San Mateo 1022 funds Total: \$80,000,000	November 12, 2015: \$80,000,000	June 8, 2017: \$25,000,000
Small/Med/Large County	Small	Small	Large	Large	Small
Date and Amount of Relinquishment	January 13, 2021: \$26,985,416	October 10, 2020: \$16,586,000 (notice from BSCC to DOF, no official letter yet)	October 16, 2020: \$80,000,000	May 18, 2020: \$80,000,000	July 28, 2020: \$25,000,000
DOF direction to BSCC about reallocation	No	No	No	No	Yes: September 25, 2020
County Requested Reallocation to Reallocation Date and Amount Reallocation Size of County	Pending Finance Direction	Pending Finance Direction	Pending Finance Direction	Pending Finance Direction	Mariposa County (pending) \$13,647,883 (pending) Small
County Requested Reallocation to Reallocation Date and Amount Reallocation Size of County	Pending Finance Direction	Pending Finance Direction	Pending Finance Direction	Pending Finance Direction	Del Norte (pending) \$11,836,117 (\$11,352,117 + \$484,000 small county unawarded funds) (pending) Small
Eligible Existing Same-Size Counties	In Rank Order: 1) Sacramento (Large; \$16,000,000) 2) Placer (Medium; \$28,502,274)	In Rank Order: 1) Glenn (Small; \$13,759,000) 2) Del Norte (Small; \$9,193,000)	In Rank Order: 1) San Bernardino (Large; \$80,000,000) 2) Riverside (Large; \$80,000,000) 3) San Francisco (Large; \$80,000,000) 4) Contra Costa (Large; \$80,000,000) 5) Ventura (Large; \$41,115,000) 6) Los Angeles (Large; \$80,000,000)	In Rank Order: 1) San Bernardino (Large; \$29,477,000 add'l to make whole to \$80,000,000) 2) Riverside (Large; \$80,000,000) 3) Contra Costa (Large; \$80,000,000) 4) San Joaquin (Large; \$80,000,000) 5) Los Angeles (Large; \$56,000,000) 6) Orange (Large; \$35,586,000)	See County Requested Reallocation to above
Total Amount Available for Allocation	\$26,988,603	\$16,586,000	\$80,000,000	\$80,000,000	\$25,484,000
Total*					\$229,058,603

*Total amount available for allocation is \$229,058,603 due to an existing \$484,000 in the SB 844 jail program that has yet to be allocated and \$3,187 in the AB 900 Phase II that is captured as savings. Total amount relinquished is \$228,571,416.