

Senate Budget and Fiscal Review—Mark Leno, Chair

SUBCOMMITTEE NO. 5

Agenda

Senator Loni Hancock, Chair
Senator Joel Anderson
Senator Lois Wolk



Thursday, April 19, 2012
9:30 a.m. or Upon Adjournment of Session
Room 113

Consultants: Joe Stephenshaw
Brady Van Engelen

Hearing Outcomes

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CALIFORNIA DEPARTMENT OF JUSTICE (0820)

Departmental Overview. The constitutional office of the Attorney General, as chief law officer of the state, has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse programs of the Department of Justice (DOJ).

The DOJ is responsible for providing skillful and efficient legal services on behalf of the people of California. The Attorney General represents the people in all matters before the Appellate and Supreme Courts of California and the United States; serves as legal counsel to state officers, boards, commissioners and departments; represents the people in actions to protect the environment and to enforce consumer, antitrust, and civil laws; and assist district attorneys in the administration of justice. The DOJ also provides oversight, enforcement, education and regulation of California's firearms/dangerous weapons laws; provides evaluation and analysis of physical evidence; regulates legal gambling activities in California; supports the telecommunications and data processing needs of the California criminal justice community; and pursues projects designed to protect the people of California from fraudulent, unfair, and illegal activities.

Budget Overview. The Governor's 2012-13 Budget proposes \$723.38 million (\$201.2 million General Fund) and 4,653.3 personnel years.

Expenditures

Program	2010-11	2012-12	2012-13
Directorate and Administration	\$81.94	\$88.38	\$91.32
Legal Services	\$315.05	\$367.20	\$375.59
Law Enforcement	\$215.36	\$209.45	\$187.75
California Justice Information Services	\$136.12	\$155.14	\$158.03
Totals	\$666.54	\$671.80	\$723.38
Personnel Years	4654.5	4789.2	4653.3

Issue 1 – Division of Law Enforcement

Governor’s Budget Request. The 2012-13 budget includes a request to re-authorize \$11.8 in funding (\$4.9 million General Fund and \$6.9 million in Legal Services Revolving Fund) to continue public safety programs within the Department of Justice’s Division of Law Enforcement (DLE).

LAO Recommendation: Approve as budgeted. Shift the existing \$2 million General Fund appropriation for the Special Investigations Team to the Legal Services Revolving Fund.

Staff Recommendation: Approve LAO’s recommendation.

Item approved 3-0

Issue 2 – Armed Prohibited Persons System Workload

Governor’s Budget Request. The Governor’s 2012-13 Budget requests the authorization of \$1.6 million dollars in Dealers Record of Sale Account spending authority be granted to the Department of Justice’s Bureau of Firearms to address enforcement activities associated with the Armed Prohibited Persons System (APPS). The spending authority would begin in 2012-13 and would provide the Department with eight personnel that would serve on a three-year limited term basis.

Staff Recommendation: Approve as Budgeted.

Item approved 2-1

Issue 3 – Hawkins Data Center

Governor’s Budget Request: The Governor’s 2012-13 Budget requests \$486,000 of one time Dealer Record of Sales (DROS) authority in Fiscal Year 2012-13 and one time authority of \$18,000 in Fiscal Year 2013-14 to support the software development and enhancements required to meet the mandates set forth in Chapter 745, Statutes of 2011 (AB 809).

Staff Recommendation: Approve as Budgeted.

Item approved 2-1

Issue 4 – Legal Services Allocations and Small Client Pot

Governor’s Budget Request. The Governor’s 2012-13 Budget redirects \$1.86 million dollars in General Fund to the small client pot beginning in 2012-13 to address the departments legal service’s needs. Additionally, the Governor’s 2012-13 Budget includes a request to augment the Department of Justice’s budget by \$600,000 dollars by utilizing funds within the Indian Gaming Special Distribution Fund. The \$2.5 million dollar augmentation would be utilized to fund legal services provided for the Governor’s office.

Staff Recommendation: Approve Governor’s proposal to augment DOJ’s budget by \$600,000 from the Indian Gaming Special Distribution Fund and delay \$1.9 million dollar General Fund appropriation to Department of Justice for Legal Services.

Item approved 2-1

Issue 5 – National Mortgage Settlement Agreement

Issue 1: Judicial Branch – Trial Court Funding (0250)

- **Require Judicial Branch to Submit Report on Potential Operational Efficiencies.** The LAO notes that court operations and procedures are governed by numerous state laws which are usually enacted as formal rules of court established by the Judicial Council. These rules of court are designed to ensure standard practices across all courts. For example, the rules regulate the format of case filings, identify acceptable ways to document court proceedings, and provide guidelines for proceedings for all case types. The Judicial Council, in consultation with trial court administrators and other judicial stakeholders, is best positioned to evaluate current practices to identify those processes that may be outdated, inefficient, and require statutory change. The courts have expressed that they believe opportunities exist to generate savings through changes in current law, rules of court, and operations. The judicial branch reports having already begun to identify such opportunities. Thus, the LAO recommends that the Legislature require the judicial branch to submit a report on potential operational efficiencies as well as their estimated savings, including those requiring statutory amendments, at budget hearings for legislative consideration and potential action.

Recommendation. Hold open to allow the AOC additional time to develop a trial court funding plan for 2012-13 that provides clarity on offsets to previous reductions.

Item held open. Motion to require the Judicial Branch to submit a report to the subcommittee by May Revise detailing operational efficiencies, including system-wide or court specific, approved 3-0

Issue 2: California Court Case Management System – Discussion Item