

SUBCOMMITTEE NO. 5

Agenda

Senator Loni Hancock, Chair
Senator Joel Anderson
Senator Lois Wolk



Thursday, May 10, 2012
9:30 a.m. or Upon Adjournment of Session
Room 113
Part A

Consultant: Joe Stephenshaw
OUTCOMES

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Vote Only Items

Vote Only Calendar				
Department	Issue	Staff Reco	Amount	Action
CDCR	Federated Data Center	Approve as Budgeted	\$0	Staff Reco Approved 3-0
CDCR	Technical Adjustment	Approve as Budgeted	\$0	Staff Reco Approved 3-0
CDCR	Workforce Cap Plan	Approve as Budgeted	\$0	Staff Reco Approved 3-0
CDCR	CIW, Intermediate Care Facility	Reject Proposal	\$1.3 million GF	Staff Reco Approved 3-0
CDCR	Public Safety HR Positions	Reject Proposal	\$1.98 million GF	Staff Reco Approved 3-0
CDCR	Transfer DJJ Parole to Adult Parole	Approve as Requested	\$0	Staff Reco Approved 3-0
CDCR	Tech Adjust – Transfer Program Funding	Approve as Proposed	\$0	Staff Reco Approved 3-0
CDCR	Expenditure Authority for Unpaid Leave Settlement Agreement	Approve as Proposed	\$0	Staff Reco Approved 3-0
CDCR	Estrella Cancellation	Approved as Budgeted	-\$1.9 million GF	Staff Reco Approved 2-1 (Anderson No)
CDCR	Statewide Budget Packages and Advance Planning	Approve as Proposed	\$750,000 GO Bond	Staff Reco Approved 2-1 (Anderson No)
CDCR	Tehachapi, SHU, Small Management Yards Cancellation	Approve as Proposed	-\$60,000 GO Bond	Staff Reco Approved 3-0
CDCR	Capital Outlay Reappropriations and Extension	Approve as Proposed	\$61 million GF, \$15.3 million lease revenue bond	Staff Reco Approved 3-0
Mandates	Public Safety Mandates (Page 19)	Suspend	NA	Removed the DOJ crime statistics reporting mandate from the list and suspended the rest of the mandates listed on page 19. 3-0

Items to be Heard

Issue 1 – *Clark* Compliance

Governor's Proposal. The Governor's Budget proposes \$3 million General Fund and 12 permanent positions. The purpose of the funding request is to comply with a recent federal court order related to the 1996 class-action lawsuit *Clark v. California* (*Clark*) and to remedy current and ongoing violations of the *Clark* Remedial Plan (CRP). This BCP requests funding and positions to move the CDCR towards successful *Clark* case termination.

Recommendation. Approve the LAO's recommendation to reduce the Governor's proposed augmentation by \$1.8 million and twelve positions. **Staff Reco Approved 3-0**

California Correctional Health Care Services

Issue 1 – California Health Care Facility

Governor's Proposal. The CDCR and California Correctional Health Care Services (CCHCS) are requesting 75.4 positions and \$10.9 million in 2012-13 to support the pre-activation activities and a total of 1,139.4 positions and \$108.7 million in 2013-14 and ongoing to support the new California Health Care Facility (CHCF) in Stockton. The funding will provide pre-activation and activation resources that will be distributed on a phased schedule beginning in 2012-13 with a completion date of December 31, 2013.

Recommendation. Approve as Budgeted. **Staff Reco Approved 3-0**

Issue 2 – Pharmacy Augmentation

Governor's Proposal. The California Correctional Health Care Services (CCHCS) requests an augmentation of \$59.9 million in fiscal year 2012/13 and \$51.2 million in 2013/14 and ongoing for pharmaceutical funding. This augmentation is necessary to restore and set the baseline for the pharmaceutical budget.

Recommendation. Hold open. **Held Open**

Issue 3 – Medical Parole and Medi-Cal Reimbursements

Governor's Proposal. A Spring Finance Letter proposes trailer bill language to codify the existing Medi-Cal reimbursement process related to the medical parole program.

Recommendation. Approve as Budgeted. **Staff Reco Approved 2-1 (Anderson No)**

Title of Mandate	Description	Recommendation	Year First Suspend ed (Approx)
Adult Felony Restitution	The mandate requires local probation officers to include a determination as to probation fines and restitution to the victim in a report to the court. This mandate will be repealed because the inclusion of this data to the courts has been in place for many years and is likely now a best practice. Additionally, what is provided to the courts in probation reports regarding restitution should be a local decision rather than a statutory requirement.	Repeal	1990
AIDS/Search Warrant	The mandate requires crime victims be notified of various rights associated with requesting, preparation of, and service of a search warrant for HIV testing of the victim and the assailant, as well as the administration of the test, confidentiality of test results, and receipt of professional counseling. This mandate will be repealed because the activities should now be standard operating procedures for District Attorneys and local health officers. Additionally, other statutes require similar information.	Repeal	2009
Crime Victims' Domestic Violence Incident Reports II	The mandate requires local law enforcement agencies to take a weapon discovered at a domestic violence scene. This mandate will be made permissive because this should be standard operating procedure for local law enforcement.	Permissive	2010
Domestic Violence Information	The mandate requires local law enforcement agencies to develop and implement written policies, standards, and incident report forms for officers' response to domestic violence calls as well as maintaining records of all protection orders associated with those incidents. This mandate will be repealed because the activities should now be standard operating procedure for local law enforcement.	Repeal	1990
Elder Abuse, Law Enforcement Training	The mandate requires local law enforcement officers to complete training on elder and dependent adult abuse that is certified by the Commission on Peace Officers Standards and Training (POST). This mandate will be repealed because this should now be best practices for local law enforcement.	Repeal	2003
Extended Commitment, Youth Authority	The mandate requires prosecuting attorneys to extend the commitment of specified youths. This mandate will be repealed because sentencing laws already allow flexibility for district attorneys to seek varying durations of commitment, on a case-by-case basis, and this should be a local decision.	Repeal	2003
Firearm Hearings for Discharged Inpatients	The mandate requires the district attorney to represent the people of the state of California in civil proceedings. This mandate will be repealed because the Department of Justice should be able to represent the people in these infrequent circumstances.	Repeal	2009
Grand Jury Proceedings	The mandate requires local agencies to perform certain activities for grand jury proceedings such as developing a training program for grand jurors, and providing meeting rooms and reports. This mandate will be repealed. Guidelines and best practices could be provided to assist in the operation of grand jury proceedings as opposed to mandating specific methods.	Repeal	2005
Law Enforcement Sexual Harassment Training	The mandate requires local law enforcement agencies to follow sexual harassment complaint guidelines developed by the Commission on Peace Officer Standards and Training (POST) and for peace officers to receive sexual harassment training. This mandate will be repealed because it should be local law enforcement discretion to avail itself of the POST-certified course.	Repeal	2003
Missing Persons Report	The mandate requires local law enforcement agencies to take a report of a missing person, and, depending upon certain criteria, to submit the report to the Department of Justice. This mandate will be repealed because this should be standard operating procedure by local law enforcement. Guidelines could be provided.	Repeal	2005
Photographic Record of Evidence	The mandate requires local agencies to provide exhibits, such as photographs, in criminal trials in lieu of actual items that are of a toxic nature and pose a health hazard to humans. This mandate will be repealed as this should be standard operating procedure for local agencies for health and safety reasons. In addition, there should be cost savings as a result of keeping a copy of evidence as opposed to paying for storage.	Repeal	2009
Pocket Masks	The mandate requires every law enforcement agency employing peace officers to provide them with a portable manual mask and airway assembly designed to prevent the spread of communicable diseases when applying CPR. This mandate will be repealed as this should now be standard operating procedure.	Repeal	1990
Prisoner Parental Rights	The mandate requires local governments to transport prisoners to and from the court and house them as necessary, so they can attend proceedings to terminate their parental rights or establish legal guardianship over their children. Locals are responsible for ensuring prisoner access to court proceedings affecting their parental rights. Most of these offenders now serve their sentences locally, making the cost of transportation and housing minimal.	Repeal	2005
Stolen Vehicle Notification	The mandate requires local law enforcement agencies that recover stolen vehicles to notify the individual who reported the vehicle stolen within 48 hours. This mandate will be repealed as this is a responsibility of local law enforcement and timing should be locally-determined.	Repeal	2009
Victims' Statements-Minors	The mandate requires a probation officer to obtain a statement from a victim of a crime committed by a minor, that would be a felony if committed by an adult, and to include that statement in the social study submitted to the court. This mandate will be repealed because this is a basic responsibility of law enforcement.	Repeal	1990
Crime Statistics Reports for the Department of Justice Amended	The mandate requires local law enforcement agencies to report specified demographic data on victims and suspects of specified crimes to the Department of Justice. This mandate will be made permissive. This information is used in part for the receipt and provision of federal funds to local entities.	Permissive	2012
False Reports of Police Misconduct	The mandate requires law enforcement agencies that receive an allegation of misconduct against a peace officer to have the complainant read and sign an advisory. This mandate will be repealed because this should be standard operating procedure.	Repeal	2009
Deaf Teletype Equipment	The mandate requires counties to provide 911 deaf teletype equipment at central locations throughout the state. This mandate will be repealed because this should be standard operating procedure.	Repeal	1990
Inmate AIDS Testing	The mandate requires local agencies to test specified inmates and report the incidents where the individual's came into contact with the Human Immunodeficiency Virus (HIV). This mandate will be made permissive and provided at local discretion.	Permissive	2003
Judiciary Proceedings	The mandate requires the county to investigate, prepare for, and conduct a proceeding for commitment, placement, or release of a mentally retarded person who is a danger to himself or others and resides in a state hospital's treatment program. This mandate will be repealed because the courts have the authority to commit mentally retarded individuals that are a danger to themselves or others to a state developmental center.	Repeal	2009