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California Legislature

Assembly Select Committee on the Administration of Justice

ROBERT W. CROWN
CHAIRMAN

September 16, 1971

MEMORANDUM TO: All regional Criminal Justice Planning Board Chairmen and Directors.

FROM: Assemblyman Robert W. Crown

Enclosed are AB 2693 as amended September 13 (renumbering and technical changes) and AB 2682 as it will be heard in Assembly Criminal Justice Committee September 21, Tuesday. Further suggested amendments to AB 2682 are attached. This bill as in print, together with the suggested amendments, would:

1. Legalize the operation of existing criminal justice planning boards created by the California Council on Criminal Justice until July 1, 1973 (this is the substance of SB 629-Deukmejian) unless replaced by board authorization under section 13901 of this bill.

2. Help to compensate for the inadequate representation of general local governments on the council itself.

3. Authorize the establishing of permanent local criminal justice planning districts through joint powers agreements or other actions acceptable to the jurisdictions concerned. Permanent boards could be established before July 1, 1973 -- the action depends on the local agreements.

4. Insure that a specified and increased share of federal planning funds would be annually available to local planning boards.

5. Provide a financial incentive for maintaining present planning district boundaries, or altering boundaries in such a way that the number of districts in the state is not increased.

6. Require the local planning boards created by these districts to prepare annual local plans.

7. Preserve the authority of the California Council on Criminal Justice to set general state priorities, review and approve local plans, and release action funds upon approval of local plans. The council could revise the local plan, in cooperation with the local authorities, but it would have to approve the result and release the action funds within 120 days of receipt of the local plan.

AMENDED IN SENATE SEPTEMBER 13, 1971

AMENDED IN ASSEMBLY JULY 15, 1971

AMENDED IN ASSEMBLY JULY 7, 1971

CALIFORNIA LEGISLATURE—1971 REGULAR SESSION

ASSEMBLY BILL No. 2693

Introduced by Assemblymen Crown, Lanterman, Brown, Cullen, and Hayes

April 15, 1971

REFERRED TO COMMITTEE ON GOVERNMENT ADMINISTRATION

An act to amend Sections ~~13800, 13804, 13805, 13806,~~ SECTION 13800 OF, TO AMEND AND RENUMBER SECTIONS 13801, 13802, 13803, 13804, 13805, 13806, AND 13807 OF, AND TO ADD SECTIONS 13801, 13807, 13809, 13810, 13811, 13812, AND 13813 TO, *~~and 13807 of, and to add Sections 13809a and 13809a to,~~ the Penal Code, relating to California Council on Criminal Justice.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2693, as amended, Crown (Gov. Adm.). Council on Criminal Justice.

Amends, *amends and renumbers*, adds various secs., Pen.C.

Makes various changes in organization, membership, powers, duties and administration of California Council on Criminal Justice.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

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

SECTION 1. Section 13800 of the Penal Code is amended to read:

13800. There is hereby created in the state government the California Council on Criminal Justice, hereafter referred to as the council, which shall be composed of the following members: the Attorney General, 16 members appointed by the Governor, three of whom shall be the Commissioner of the Department of the Highway Patrol, the Director of the Department of Corrections, and the Director of the Youth Authority; six members appointed by the Senate Rules Com-

mittee; and six members appointed by the Speaker of the Assembly.

The appointing authorities shall consult in the selection of council members to insure that there is balanced representation on the council including representatives of the public concerned with the prevention and reduction of crime.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, two members of city councils, two members of county boards of supervisors, a representative of the Commission on Peace Officer Standards and Training, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker and Senate Committee on Rules shall include among their appointments a representative of the Judicial Council, a judge, three representatives of the cities and three representatives of the counties.

The appointments of present legislative members shall not be affected by this provision.

~~SEC. 2. Section 13800a is added to the Penal Code, to read:~~

~~13800a. The appointees to the council, or to any other council, board, committee, or advisory group operating under this title shall include persons from the various ethnic minorities of the area represented. Such ethnic minorities shall have representation, to the extent possible, not less than their proportion to the total population of the area.~~

~~SEC. 3. Section 13801 of the Penal Code is amended to read:~~

~~13801. The Governor, with the consent of the Senate, shall appoint an executive officer. The council may utilize personnel, facilities and services of departments and agencies of state government, pursuant to agreements developed between the council and the agencies concerned.~~

~~SEC. 4. Section 13805 of the Penal Code is amended to read:~~

~~13805. (a) The council shall:~~

~~(1) Develop, in accordance with the objectives defined in Section 13805a, a comprehensive statewide plan for the improvement of criminal justice throughout the state.~~

~~(2) Define, develop and correlate programs and projects for the state criminal justice agencies.~~

~~(3) Establish priorities for the improvement in criminal justice throughout the state.~~

~~(4) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of such units, or other public or private agencies, organizations, or institutions in matters relating to criminal justice.~~

~~(b) The council may:~~

~~(1) Conduct evaluation studies of the programs and activities assisted by the appropriate federal acts.~~

(2) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state.

(3) Request any state agency to supply statistics, data, program reports, and other material as the council deems necessary to carry out its functions.

SEC. 5. Section 13805a is added to the Penal Code, to read:

13805a. The objectives of criminal justice planning are defined as follows:

(a) To reduce crime.

(b) To improve the quality of justice.

(c) To improve the efficiency of criminal justice system activities.

(d) To establish criminal justice program evaluation information.

SEC. 6. Section 13806 of the Penal Code is amended to read:

13806. (a) In the exercise of its authority under subdivision (a) of Section 13805 the council may develop plans to fulfill the requirements of any federal act providing for the adoption of comprehensive plans to facilitate the receipt and allocation of federal funds for planning, research, demonstration and special project grants. The council shall submit its recommendations concerning applications for federal funds by any state or local agency to the Governor to be forwarded to the United States Attorney General or appropriate federal agency. The council shall also report to the Legislature on its recommendations.

(b) The comprehensive state annual plan shall include all of the following facts:

(1) The total current expenditures of each criminal justice agency in this state, classified by level of government, including state, county, and city, and by type as follows: police, courts, including prosecution, defense, and judiciary; corrections, including youth or adult, and institutional or community facility.

(2) An accounting of all past and expected future program and project allocations of federal criminal justice funds, identifying:

A. Recipient agencies in the above classification, plus noncriminal justice government agencies and private agencies or associations.

B. All state agency funds used or intended to be used to meet federal requirements for matching funds, whether or not in the form of money in the aggregate.

C. The section or sections of California law defining the offenses or juvenile behavior or problems of organized crime or riots and disorders which the above-described allocations of federal funds are intended to affect.

D. The particular means by which ends are to be attained, including where applicable, improvements in one or more of the following areas: facilities, equipment, personnel, informa-

~~tion systems, communications systems, general management, research, development.~~

~~(c) Federal funds made available to the State of California for expenditures by state agencies shall be allocated in accordance with priorities of need established by the full Council on Criminal Justice, after providing ample opportunity for full public discussion of priorities.~~

~~(d) For any federal grant funds provided to the State of California where portions of the funds are designated by federal law or administrative procedure to be directly provided to local agencies, the council shall allocate such funds on the basis of each planning area's percentage of the state's total of the following:~~

~~(1) Population between the ages of 10 and 39.~~

~~(2) Arrests, both adult and juvenile, for the seven index offenses selected by the Federal Bureau of Investigation.~~

~~(3) Criminal justice expenditures supported by local revenues.~~

~~The factors specified in paragraphs (1) to (3), inclusive, shall be given equal weight in determining the allocation of funds. The percentage allocation requirement of this subdivision may be met on the basis of a total funding period of not more than five years, and is not required to be met annually.~~

~~(e) All state and local plans shall be presented in writing at public hearings two weeks in advance of final submission to reviewing bodies. All state and local plans shall be completed by deadlines related to federal or state laws or regulations. All local plans shall be submitted to the state council by October 1st of each year. The state plans shall be submitted to the Law Enforcement Assistance Administration by the first of January of each year. The state plan shall be submitted to the Legislature on the first legislative day of the regular session. The state council and local boards shall review and reject or approve every plan or project proposal submitted to them within 60 days.~~

~~SEC. 7. Section 13807 of the Penal Code is amended to read:~~

~~13807. Nothing in this title shall be construed as authorizing the council to undertake direct operational criminal justice responsibilities.~~

SEC. 2. Section 13801 of the Penal Code is amended and renumbered to read:

~~13801~~

13802. (a) The legislator members of the council shall participate in its work to the extent such participation is not incompatible with their positions as Members of the Legislature.

(b) For the purposes of this title the Members of the Legislature who are appointed shall be considered a joint committee of the two houses of the Legislature constituted and acting as an investigating committee, and as such shall have the powers and duties imposed on such committees by the Joint Rules of

the Senate and Assembly. The members of such committee shall report to the Legislature on the fifth legislative day of the 1968 Regular Session on additional legislation which may be necessary to comply with provisions of federal law.

SEC. 3. Section 13801 is added to the Penal Code, to read:

13801. The appointees to the council, or to any other council, board, committee, or advisory group operating under this title, shall include persons from the various ethnic minorities of the area represented. Such ethnic minorities shall have representation, to the extent possible, not less than their proportion to the total population of the area.

SEC. 4. Section 13802 of the Penal Code is amended and renumbered to read:

~~13802~~

13803. The Governor shall appoint the chairman of the council and the council shall designate one or more vice chairmen from among its members, who shall serve at the pleasure of the council. The Governor shall call the first meeting on or after January 16, 1968.

SEC. 5. Section 13803 of the Penal Code is amended and renumbered to read:

~~13803~~

13804. Members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this title.

SEC. 6. Section 13804 of the Penal Code is amended and renumbered to read:

~~13804~~

13805. The ~~council may~~ *Governor, with the consent of the Senate, shall* appoint an executive officer ~~by affirmative vote of a majority of the members and may appoint other employees and consultants~~. The council may utilize personnel, facilities and services of departments and agencies of state government pursuant to agreements developed between the council and the agencies concerned.

SEC. 7. Section 13805 of the Penal Code is amended and renumbered to read:

~~13805~~

13806. *(a)* The council shall ~~have the following powers and duties~~:

~~(a) To develop plans for the prevention, detection, and control of crime in the administration of criminal justice. In developing these plans, the council may conduct studies, survey resources and identify needs for research and development in this field.~~

~~(b) To encourage coordination, planning and research by law enforcement and criminal justice agencies throughout the state and to act as a clearing house for proposals and projects in this field.~~

~~(c) To develop plans for the dissemination of information on proposed, existing, and completed research and development projects.~~

~~(d) To advise the Governor, Legislature, and the various state departments and local jurisdictions charged with responsibility in criminal justice matters.~~

(1) Develop, in accordance with the goals defined in Section 13807, a comprehensive statewide plan for the improvement of criminal justice throughout the state.

(2) Define, develop and correlate programs and projects for the state criminal justice agencies.

(3) Establish priorities for the improvement in criminal justice throughout the state.

(4) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of such units, or other public or private agencies, organizations, or institutions in matters relating to criminal justice.

(5) Conduct evaluation studies of the programs and activities assisted by the appropriate federal acts.

(b) The council may:

(1) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state.

(2) Request any state agency to supply statistics, data, program reports, and other material as the council deems necessary to carry out its functions.

SEC. 8. Section 13807 is added to the Penal Code, to read:

13807. The goals of criminal justice planning are defined as follows:

(a) To reduce crime.

(b) To improve the quality of justice.

(c) To reduce unnecessary costs of criminal justice system activities.

(d) To establish basic criminal justice information for the purpose of determining the extent to which the above goals are being accomplished.

SEC. 9. Section 13806 of the Penal Code is amended and renumbered to read:

~~13806~~

13809. *(a)* In the exercise of its authority under subdivision (a) of Section ~~13807~~ *13806* the council may develop plans to fulfill the requirements of any federal act providing for the adoption of comprehensive plans to facilitate the receipt and allocation of federal funds for planning, research, demonstration and special project grants. The council shall submit its recommendations concerning applications for federal funds by any state or local agency to the Governor to be forwarded to the United States Attorney General or appropriate federal agency. The council shall also report to the Legislature on its recommendations.

SEC. 10. Section 13809 is added to the Penal Code, to read:

13809. Federal funds made available to the State of California for expenditures by state agencies shall be allocated in accordance with priorities of need established by the full Council on Criminal Justice after providing ample opportunity for full public discussion of priorities.

SEC. 11. Section 13810 is added to the Penal Code, to read:

13810. The annual comprehensive state plan shall include all of the following:

(a) The total current expenditures of each criminal justice agency in this state, classified by level of government, including state, county, and city, and by type as follows: police; courts, including prosecution, defense, and judiciary; corrections, including youth or adult, and institutional or community program.

(b) An accounting of each preceding year's and expected future program and project allocations of federal criminal justice funds, identifying:

(1) Recipient agencies in the above classification, plus noncriminal justice government agencies and private agencies or associations.

(2) All state agency funds used or intended to be used to meet federal requirements for matching funds, whether or not in the form of money in the aggregate.

(3) The section or sections of California law defining the offenses or juvenile behavior or problems of organized crime or riots and disorders which the above-described allocations of federal funds are intended to affect.

(4) The particular means by which ends are to be attained, including where applicable, improvements in one or more of the following areas: facilities, equipment, personnel, information systems, communications systems, general management, research, development.

SEC. 12. Section 13811 is added to the Penal Code, to read:

13811. All state and local plans shall be presented in writing at public hearings two weeks in advance of final submission to reviewing bodies. The annual comprehensive state plan shall be submitted to the Law Enforcement Assistance Administration by the 1st of January of each year. The state council and local boards shall review and reject or approve every plan or project proposal submitted to them within 60 days.

SEC. 13. Section 13812 is added to the Penal Code, to read:

13812. The state plan shall be submitted to the Legislature on the first legislative day of the regular session. The state plan shall be reviewed by the Assembly Ways and Means Committee and the Senate Finance Committee.

SEC. 14. Section 13813 is added to the Penal Code, to read:

13813. For any federal grant funds provided to the State of California where portions of the funds are designated by federal law or administrative procedure to be directly provided to local agencies, the council shall allocate such funds on the basis of each planning area's percentage of the state's population, except that the council may allocate up to 15 percent of such funds to areas of unusual high crime incidence or to projects to reduce specific crimes. The percentage allocation requirement of this section may be met on the basis of a total funding period of not more than five years and is not required to be met annually.

SEC. 15. Section 13807 of the Penal Code is amended and renumbered to read:

~~13807~~

13814. Nothing in this title shall be construed as authorizing the council to undertake direct operational ~~law~~ *criminal justice* ~~enforcement~~ responsibilities.

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SUGGESTED FURTHER AMENDMENTS TO AB 2682 9-16-71

A. Section 13806.5. Add part (c):

Review and approve or, in cooperation with the local planning board, revise and approve each local planning district plan within 120 days of receiving such plan.

B. Section 13901. Delete lines 37, 38, and 39 and substitute "of a joint powers agreement or arrangement acceptable to the county and at least one-half of the cities in the county which contain at least one-half of the population of the". In line 44 delete "or city in each county containing" and substitute "which contain".

C. Section 13902. Provide for allocation of planning funds to major cities and counties and Councils of Government, at the discretion of the cities and counties constituting the planning districts.

D. Section 13906 (a). Add in line 17 after "funds": ", with reference to the types of crime or delinquency to be controlled or criminal justice agency activities to be improved,"

E. Section 13907. Add part (d): Not withstanding the above provisions, planning district boundaries may be altered without the loss of the basic planning allocation, as long as the number of planning districts in the state is not increased by such alterations.

F. Strike all references to "California Council on Criminal Justice" or "council" and substitute "state planning agency required by federal law."

AMENDED IN ASSEMBLY SEPTEMBER 13, 1971

CALIFORNIA LEGISLATURE—1971 REGULAR SESSION

ASSEMBLY BILL No. 2682

Introduced by Assemblyman Crown

April 15, 1971

REFERRED TO COMMITTEE ON GOVERNMENT ADMINISTRATION

An act to ~~amend Sections 29602 and 36903 of the Government~~ ADD SECTION 13806.5 TO, AND TO ADD TITLE 6.5 (COMMENCING WITH SECTION 13900) TO PART 4 OF, THE PENAL *Code, relating to ~~county and city correctional programs~~* LOCAL CRIMINAL JUSTICE PLANNING.

LEGISLATIVE COUNSEL'S DIGEST

AB 2682, as amended, Crown (Gov. Adm.). ~~County, city correctional programs~~ *Local criminal justice planning.*

~~Amends Secs. 29602 and 36903, Gov.C.~~ *Adds Sec. 13806.5, Title 6.5 (commencing with Sec. 13900), Pt. 4, Pen.C.*

~~Makes technical, nonsubstantive changes.~~

Authorizes establishment of local criminal justice planning districts and boards. Specifies powers and duties of such districts and boards.

Vote—Majority; Appropriation—No; Fiscal Committee—No.

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

1 ~~SECTION 1. Section 29602 of the Government Code is~~
2 ~~amended to read:~~
3 ~~29602. The expenses necessarily incurred in support of~~
4 ~~persons charged with or convicted of crime and committed to~~
5 ~~the county jail and the maintenance therein and in other~~
6 ~~county adult detention facilities of a program of rehabilitative~~
7 ~~services in the fields of training, employment, recreation, and~~
8 ~~prerelease activities, and for other services in relation to crimi-~~
9 ~~nal proceedings for which no specific compensation is pre-~~
10 ~~scribed by law are county charges.~~
11 ~~SEC. 2. Section 36903 of the Government Code is amended~~
12 ~~to read:~~
13 ~~36903. Imprisonment for violation of any ordinance shall~~
14 ~~be in the city jail, unless by ordinance the legislative body~~
15 ~~prescribes imprisonment in the county jail. If city prisoners~~

~~are imprisoned in the county jail, the expense is a charge against the city.~~

SECTION 1. Section 13806.5 is added to the Penal Code, to read:

13806.5. The council shall:

(a) Prepare and issue guidelines for the preparation of local criminal justice plans.

(b) Provide action funds to local planning districts upon approval of local plans.

SEC. 2. Title 6.5 (commencing with Section 13900) is added to Part 4 of the Penal Code, to read:

TITLE 6.5. LOCAL CRIMINAL JUSTICE PLANNING

13900. The Legislature finds and declares:

(a) That it is in agreement with Congress that crime is a local problem that must be dealt with by state and local governments if it is to be controlled effectively.

(b) That criminal justice needs and problems vary greatly among the different local jurisdictions of this state.

(c) That effective planning and coordination can be accomplished only through the direct, immediate and continuing cooperation of local officials charged with general governmental and criminal justice agency responsibilities.

(d) That planning for the efficient use of criminal justice resources requires a permanent coordinating effort on the part of local governments and local criminal justice agencies.

(e) That a necessary resource for such planning and coordinating bodies is a consistent and reasonable predictable allotment of funds for the purposes of planning and coordinating projects to improve criminal justice system activities in their jurisdictions.

13901. For the purposes of coordinating local criminal justice activities and allocating state and federal action funds made available through any grant programs, each county in California shall constitute a planning district upon execution of a joint powers agreement or arrangement acceptable to at least one-half of the cities in the county or to cities in the county containing at least one-half of the population of the county, except that contiguous counties may combine as a single planning district upon execution of a joint powers agreement or other arrangement acceptable to the participating counties and to at least one-half of the cities in each county or cities in each county containing at least one-half of the population of each county.

13902. Planning districts shall establish local criminal justice planning boards, which such boards shall be the recipients of all criminal justice planning or coordinating funds made available to units of general local government or combinations of units of general local government by federal or state law.

13903. Local criminal justice planning boards shall include government representation in accordance with the representative character requirements of federal law.

13904. Representatives of the public may be appointed to local criminal justice planning boards, of a number not to exceed the number of representatives of government on that board. Such public members may be nominated by community organizations and appointed by the local criminal justice planning boards.

13905. Planning boards may contract with other public or private entities for the performance of services, may appoint an executive officer and other employees, and may receive and expend funds in order to carry out planning and coordinating responsibility.

13906. Planning boards shall prepare comprehensive plans for the allocation of action funds. Each local plan shall:

(a) Describe the program allocation of funds but need not identify specific projects to be funded.

(b) Conform to the set of priorities for the use of federal action funds established by the California Council on Criminal Justice, but the rank order of priorities may be altered to fit the respective needs and problems of the urban, agrarian, and rural areas of this state.

13907. Criminal justice planning funds made available to the state by federal act shall be allocated annually as follows:

(a) No more than 35 percent of such funds shall be allocated to the California Council on Criminal Justice for purposes of planning at the state level.

(b) The California Council on Criminal Justice shall allocate forty thousand dollars ($40,000) from the remaining funds to each planning district the boundaries of which are those established by the council as of March 25, 1971.

(c) The remainder of such funds shall be distributed to all planning districts, including those described in subdivision (b), in amounts corresponding to the percent of the total state population of each district.

SEC. 3. Regional planning entities designated by the California Council on Criminal Justice as of March 25, 1971, may contract with other public or private agencies for performance of services, may appoint an executive officer and other employees, and may receive and expend funds in order to carry out planning responsibilities until July 1, 1973.

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