AB-1812 Public safety omnibus. (2017-2018)

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Assembly Bill No. 1812

CHAPTER 36

An act to amend Sections 4021.5, 4052.2, 4057, 4081, and 4400 of, to add Section 4203.6 to, and to add Article 13.5 (commencing with Section 4187) to Chapter 9 of Division 2 of, the Business and Professions Code, to amend Sections 12838.1, 13332.09, 14670, and 15820.913 of the Government Code, to amend Section 103680 of, and to add Section 1797.165 to, the Health and Safety Code, to amend Sections 680.3, 832.6, 1170, 4115.5, 6031.4, 6040, and 13603 of, to amend, repeal, and add Section 13523 of, to add Sections 2067 and 3007.08 to, and to add and repeal Sections 6402.5 and 13509 of, the Penal Code, and to amend Sections 607, 912, 1178, 1731.5, 1769, and 1771 of, to add Chapter 5 (commencing with Section 1450) to Part 1 of Division 2 of, and to add and repeal Section 1731.7 of, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1812, Committee on Budget. Public safety omnibus.

(1) Existing law subjects a person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Existing law authorizes the court to order the minor to participate in a program of supervision, subject to specified requirements, and requires the court to order the petition dismissed upon the minor's successful completion of the program. Existing law authorizes the juvenile court to retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, or, if the person is found to have committed a specified serious or violent offense, after the expiration of a 2-year period of control or when the person attains 23 or 25 years of age, whichever occurs later, except as specified.

This bill would establish the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors. The bill would require the board to be responsible for administration oversight and accountability of the grant program, in coordination with the California Health and Human Services Agency and the State Department of Education. The bill would require the board to perform specified duties relating to, among other things, guidance, data collection, and contracting with a research firm or university to conduct a statewide evaluation of the grant program and its outcomes, as specified.

This bill would require a person who is committed to the Division of Juvenile Facilities, Department of Corrections and Rehabilitation (CDCR) on or after July 1, 2018, for one of specified offenses and who, at the time of adjudication would have been eligible for transfer to a court of criminal jurisdiction and who was adjudicated of a crime or crimes that, in criminal court, would have carried a maximum possible sentence of 7 years or more, to be discharged upon the expiration of a 2-year period of control, or when he or she attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the

committing court, as specified. The bill would exclude persons committed to the division by a juvenile court prior to July 1, 2018, from being discharged pursuant to that authority.

This bill would, until June 1, 2026, also require the division to establish and operate a 7-year pilot program for transition age youth, as described. On or after January 1, 2019, the program would divert specified transition-aged youth from adult prison to a juvenile facility to provide developmentally appropriate rehabilitative programming designed for transition age youth with the goal of improving outcomes and reducing recidivism. The bill would require the department to develop program placement criteria and to initially target youth sentenced by a superior court who committed a specified crime when under 18 years of age. The bill would require the division to contract with various entities to evaluate the effects of participation in the program, among other things. The bill would also make ineligible for the program offenders with a period of incarceration that cannot be completed on or before the offender's 25th birthday.

(2) Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation, with the approval of the Director of the Division of Juvenile Justice, to transfer to the division a person under 18 years of age who is not committed to the division. Existing law also authorizes a court to order a person who is under 18 years of age to be transferred to the division. Existing law provides that the transfer is solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, and provides that the inmate is deemed to be committed to the CDCR and remains subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Existing law extends the duration of the transfer until any one of specified circumstances occurs, including that the inmate reaches 18 years of age, but authorizes the transfer to extend until the inmate's period of incarceration is completed if that period of incarceration would be completed on or before the inmate's 21st birthday.

The bill would authorize the duration of the transfer to extend until the inmate's period of incarceration is completed if that period of incarceration would be completed on or before the inmate's 25th birthday, and would make this authority retroactive.

(3) Existing law requires a county from which a person is committed to the Division of Juvenile Justice, CDCR to pay to the state an annual rate of $24,000 for the time the person remains in an institution under the direct supervision of the division, or in an institution, boarding home, foster home, or other private or public institution in which the person is placed by the division, and cared for and supported at the expense of the division.

This bill would establish a rate of $24,000 for a person who is committed to the division by a juvenile court on or after July 1, 2018, but would exempt counties from paying that rate for a person who is 23 years of age or older.

(4) Existing law requires, upon an application for an identification card, a fee of $26 to be paid to the Department of Motor Vehicles (DMV). Existing law provides for a reduced fee of $8 for a replacement identification card issued to an eligible inmate upon release from a state or federal correctional facility or a county jail facility, and to an eligible patient treated in a facility of the State Department of State Hospitals.

This bill would require the Division of Juvenile Justice and the DMV to enter into an interagency agreement to ensure that an eligible juvenile offender, as defined, released from a state juvenile facility has a valid identification card. The bill would set the fee for an identification card for an eligible juvenile offender at $8, and would require an eligible juvenile offender to provide the DMV with a specified verification upon application for an identification card.

(5) Existing law authorizes a court on its own motion and within 120 days after sentencing, or at any time upon the recommendation of the secretary or the Board of Parole Hearings in the case of state prison inmates, or the county correctional administrator in the case of county jail inmates, to recall the sentence of a defendant who has been committed to the state prison or a county jail and resentence that defendant to a lesser sentence, as specified.

This bill would authorize the court, when resentencing a defendant pursuant to these provisions, to reduce a defendant's term of imprisonment and modify the judgment, including a judgment entered after a plea agreement, if it is in the interest of justice. The bill would authorize the court to consider postconviction factors, as specified, when resentencing a defendant.

(6) Existing law defines a local detention facility as a city, county, city and county, or regional facility used for the confinement of adults, or both adults and minors, for more than 24 hours, except as specified. Existing law also defines a local detention facility as an adult detention facility, exclusive of any facility operated by CDCR or other specified facilities, that holds prisoners under contract on behalf of a city, county, or city and county. Existing law requires the Board of State and Community Corrections to, at a minimum, inspect each local detention facility in the state biennially.

This bill would also define a local detention facility as a court holding facility within a superior court that is operated by or supervised by specified personnel. The bill would not include an area within a courtroom or a public area in the courthouse as a court holding facility.

(7) Existing law, until July 1, 2018, authorizes the board of supervisors of a county where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not available for the confinement of its prisoners, to enter into an agreement with another county for the transfer and confinement of misdemeanants, persons sentenced to a county jail, and persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation with the concurrence of that county's sheriff or director of its county department of corrections. Existing law also, until July 1, 2018, requires a county entering into a transfer agreement with another county to report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility and the reason for needing to house the offenders outside the county. Existing law, on July 1, 2018, would delete, among other things, the authority of the board of supervisors of a county to make that agreement with regards to persons sentenced to the county jail.

This bill would extend, until July 1, 2021, the operation of the authority scheduled to repeal on July 1, 2018, and would delay, until July 1, 2021, the operative date of the authority scheduled to be deleted on July 1, 2018.

(8) Existing law establishes, within CDCR, the Division of Enterprise Information Services, the Division of Facility Planning, Construction, and Management, and the Division of Administrative Services under the Undersecretary for Administration and Offender Services.

This bill would establish the Division of Fiscal and Business Services under that undersecretary.

(9) Under existing law, CDCR is authorized to enter into contracts with private facilities or facilities outside of California to house inmates. Existing law requires CDCR to annually estimate expenditures for each state-owned or contracted facility housing offenders.

This bill would require the department to begin reducing the population of private in-state male contract correctional facilities. As the population of offenders in private in-state male contract correctional facilities is reduced, the bill would require the department, to the extent that the adult offender population continues to decline, to reduce the capacity of state-owned and operated prisons or in-state leased or contract correctional facilities, as specified.

(10) Existing law authorizes CDCR to maintain and operate a comprehensive pharmacy services program for facilities under its jurisdiction. The Pharmacy Law provides for the licensure and regulation of the practice of pharmacy by the California State Board of Pharmacy and makes a knowing violation of its provisions a crime. Existing law provides for the licensure of certain clinics by the board and authorizes a clinic with that license to purchase drugs at wholesale, as specified. Existing law prohibits these clinics from dispensing Schedule II controlled substances, except as specified.

This bill would provide for the licensure of correctional clinics by the board and would authorize a clinic with that license to obtain drugs from a correctional pharmacy. The bill would authorize the administration or dispensing of drugs in a correctional clinic or by a correctional pharmacy, as specified, and would authorize the health care staff of a clinic to administer Schedule II through V controlled substances, as specified. The bill would require a correctional clinic to apply to the board for a license, and would require the board to make a thorough investigation of whether the premises qualifies for licensure. Because a knowing violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(11) Existing law requires CDCR to develop policies related to the department's contraband interdiction efforts for individuals entering CDCR's detention facilities, including the state prison facility located in the County of Kings at Corcoran.

This bill would require CDCR to design a specified contraband interdiction pilot program in the state prison facility located in the County of Kings at Corcoran. The bill would require, as part of the pilot program, that entrance screening be conducted on every individual and package entering the facility and take place 24 hours per day, 7 days per week. The bill would require the department to track and report on the use of entrance screening technology and equipment throughout the pilot period, and to the extent that screening does not occur, would require the department to document the time and reason that screening is not conducted. The bill would require the department to submit a report evaluating the pilot program, as specified, to the Legislature by February 1, 2021. The bill would repeal these provisions on January 1, 2022.

(12) Existing law requires CDCR to provide a correctional peace officer cadet with 480 hours of training to be completed before the cadet is assigned a post or position as a correctional officer.

This bill would instead require the department to provide 520 hours of that training, for a cadet who commences training on or after January 1, 2019, to be completed before the cadet is assigned to a post or position as a correctional officer.

(13) The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act requires the Emergency Medical Services Authority to establish the training, scope of practice, and continuing education for an Emergency Medical Technician-I (EMT-I). The act authorizes the authority or other entity certifying an EMT-I to deny, suspend, or revoke an EMT-I license for certain enumerated actions to protect the public health and safety, including, among other actions, the

commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel, unprofessional conduct exhibited by the commission of specified sexually related offenses, and the addiction or misuse of controlled substances.

This bill would authorize the Department of Forestry and Fire Protection (CAL-FIRE) to grant statewide certification to an individual as an Emergency Medical Responder (EMR), regardless of whether he or she committed any of the above-described enumerated actions unless the action was committed after he or she received certification, if the individual is a graduate of a specified CAL-FIRE training program, received a letter of recommendation from the Director of CAL-FIRE, and, while participating in the training program, was working toward a high school diploma or its equivalent, unless he or she already earned one. This bill would also authorize CAL-FIRE to grant a provisional certification as an EMR for a period of up to two 2-year certification cycles, but for no more than 4 years. The bill would require the authority to promulgate emergency regulations for the process of establishing the certification process pursuant to these provisions.

(14) Existing law requires law enforcement agencies to report specified information regarding certain rape kit evidence, within 120 days of the collection of the kit, to the Department of Justice through a database established by the department. Existing law requires money received by the Office of Emergency Services from the federal Office on Violence Against Women to be used before appropriating money from the General Fund for purposes of reimbursing any costs mandated by the state to a local law enforcement agency by that law.

This bill would remove the requirement that money received by the Office of Emergency Services from the federal Office on Violence Against Women be used before appropriating money from the General Fund to reimburse local law enforcement agencies.

(15) Under existing law, the Commission on Peace Officer Standards and Training (CPOST) is responsible for developing and implementing programs to increase the effectiveness of law enforcement. The commission is required to adopt rules establishing minimum standards relating to physical, mental, and moral fitness governing the recruitment of specified peace officers.

This bill would establish, until January 1, 2025, the Innovations Grant Program to be developed and administered within CPOST, for the purpose of providing competitive grants to qualified public and private entities for the purpose of developing and providing training, as specified, to law enforcement officers, with the goal of reducing officer-involved shootings.

(16) Existing law creates the State Penalty Fund into which moneys collected by the courts from the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Existing law creates the Peace Officers' Training Fund, a continuously appropriated fund, and requires CPOST to annually allocate from the fund to each city, county, district, or joint powers agency that has applied and qualified for aid a grant amount determined by CPOST, as specified. Existing law authorizes CPOST to establish and levy appropriate fees in carrying out specified responsibilities relating to training and certifying reserve officers, and requires those fees to be deposited in the Peace Officers' Training Fund. Existing law requires an additional fee of $3 for the issuance of a permit for the disposition of human remains to be payable to the local registrar of births and deaths, and requires the local registrar of births and deaths to pay $1 of that $3 fee into the Peace Officers' Training Fund.

This bill would instead require those fees to be deposited and paid into the State Penalty Fund. The bill would also, commencing July 1, 2019, require CPOST to instead annually allocate from the State Penalty Fund to each city, county, district, or joint powers agency that has applied and qualified for aid an amount determined by the commission.

(17) Existing law establishes the Corrections Training Fund, a continuously appropriated fund, for purposes of funding the costs of administration, the development of appropriate standards, the development of training, and program evaluation relating to establishing standards and training for local correctional officers and probation officers by the Board of State and Community Corrections.

This bill would instead make moneys in the fund available upon appropriation for the costs of administration, the development of appropriate standards, the development of training, and program evaluation relating to establishing standards and training for local correctional officers and probation officers by the Board of State and Community Corrections. The bill would abolish the fund on June 30, 2021, and any funds remaining would be reverted to the State Penalty Fund.

(18) Existing law authorizes the Director of General Services, with the consent of the state agency involved, to lease certain real or personal state property for a period of not to exceed 5 years. Existing law authorizes the director to let for a period of not to exceed 5 years, and at less than fair market rental, a parcel of up to 5 acres of real property of the state to a public agency for use as a nonprofit, self-help community vegetable garden and for related supporting activities, subject to specified conditions.

This bill would, notwithstanding these provisions, authorize the Director of General Services to let, at less than fair market rental value, facilities operated by CDCR. The bill would require the criteria and the process for exempting these leases or subleases from fair market value to be published in the State Administrative Manual, and would require the Department of General Services to report to the Joint Legislative Budget Committee annually on these new leases or subleases.

(19) Existing law imposes certain restrictions on the acquisition of motor vehicles and general use mobile equipment by state agencies, including a prohibition against state agencies acquiring motor vehicles or surplus mobile equipment until the Department of General Services has investigated and established the necessity for the acquisition. Existing law exempts a district agricultural association from these provisions.

This bill would also exempt the Prison Industry Authority from these provisions.

(20) Existing law authorizes the State Public Works Board to issue up to $870,074,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities.

This bill would reduce to $867,434,000 the amount of revenue bonds, notes, or bond anticipation notes that may be authorized by the board for those facilities.

(21) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(22) This bill would appropriate $1,853,000 from the General Fund to CDCR to fund the Corcoran Levee Assessment.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.
Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) The Department of Corrections and Rehabilitation has identified eleven billion five hundred million dollars ($11,500,000,000) in costs for all infrastructure-related repairs and requirements for its state-owned and operated facilities.

(b) The state prison population has declined by more than 16,000 inmates since 2012 and is projected to continue to decline.

(c) The state shall prioritize long-term investments in state-owned and operated correctional facilities in a manner that supports modern, durable, and secure facilities that promote public safety and rehabilitation.

SEC. 2. Section 4021.5 of the Business and Professions Code is amended to read:

4021.5. (a) “Correctional pharmacy” means a pharmacy, licensed by the board, located within a correctional facility for the purpose of providing drugs to a correctional clinic, as defined in Section 4187, and providing pharmaceutical care to inmates of the correctional facility.

(b) As part of its pharmaceutical care, a correctional pharmacy may dispense or administer medication pursuant to a chart order, as defined in Section 4019, or other valid prescription consistent with this chapter.

SEC. 3. Section 4052.2 of the Business and Professions Code is amended to read:

4052.2. (a) Notwithstanding any other law, a pharmacist may perform the following procedures or functions as part of the care provided by a health care facility, a licensed home health agency, licensed correctional clinic, a licensed clinic in which there is a physician oversight, a provider who contracts with a licensed health care service plan with regard to the care or services provided to the enrollees of that health care service plan, or a physician, in accordance with the policies, procedures, or protocols of that facility, home health agency, licensed correctional clinic, licensed clinic, health care service plan, or physician, and in accordance with subdivision (c):

(1) Ordering or performing routine drug therapy-related patient assessment procedures including temperature, pulse, and respiration.

(2) Ordering drug therapy-related laboratory tests.

(3) Administering drugs and biologicals by injection pursuant to a prescriber’s order.

(4) Initiating or adjusting the drug regimen of a patient pursuant to a specific written order or authorization made by the individual patient’s treating prescriber, and in accordance with the policies, procedures, or protocols of the health care facility, home health agency, licensed correctional clinic, licensed clinic, health care service plan, or physician. Adjusting the drug

regimen does not include substituting or selecting a different drug, except as authorized by the protocol. The pharmacist shall provide written notification to the patient's treating prescriber, or enter the appropriate information in an electronic patient record system shared by the prescriber, of any drug regimen initiated pursuant to this paragraph within 24 hours.

(b) A patient's treating prescriber may prohibit, by written instruction, any adjustment or change in the patient's drug regimen by the pharmacist.

(c) The policies, procedures, or protocols referred to in this subdivision shall be developed by health care professionals, including physicians, pharmacists, and registered nurses, and shall, at a minimum, do all of the following:

(1) Require that the pharmacist function as part of a multidisciplinary group that includes physicians and direct care registered nurses. The multidisciplinary group shall determine the appropriate participation of the pharmacist and the direct care registered nurse.

(2) Require that the medical records of the patient be available to both the patient's treating prescriber and the pharmacist.

(3) Require that the procedures to be performed by the pharmacist relate to a condition for which the patient has first been seen by a physician.

(4) Except for procedures or functions provided by a health care facility, a licensed correctional clinic, as defined in Section 4187, a licensed clinic in which there is physician oversight, or a provider who contracts with a licensed health care plan with regard to the care or services provided to the enrollees of that health care service plan, require the procedures to be performed in accordance with a written, patient-specific protocol approved by the treating or supervising physician. Any change, adjustment, or modification of an approved preexisting treatment or drug therapy shall be provided in writing to the treating or supervising physician within 24 hours.

(d) Prior to performing any procedure authorized by this section, a pharmacist shall have done either of the following:

(1) Successfully completed clinical residency training.

(2) Demonstrated clinical experience in direct patient care delivery.

SEC. 4. Section 4057 of the Business and Professions Code is amended to read:

4057. (a) Except as provided in Section 4006, subdivision (d) of Section 4081, Section 4240, subdivisions (t) and (u) of Section 4301, and Section 4342, this chapter does not apply to the retail sale of nonprescription drugs that are not subject to Section 4022 and that are packaged or bottled in the manufacturer's or distributor's container and labeled in accordance with applicable federal and state drug labeling requirements.

(b) This chapter does not apply to specific dangerous drugs and dangerous devices listed in board regulations, where the sale or furnishing is made to any of the following:

(1) A physician, dentist, podiatrist, pharmacist, medical technician, medical technologist, optometrist, or chiropractor holding a currently valid and unrevoked license and acting within the scope of his or her profession.

(2) A clinic, hospital, institution, or establishment holding a currently valid and unrevoked license or permit under Division 2 (commencing with Section 1200) of the Health and Safety Code, or Chapter 2 (commencing with Section 3300) of Division 3 of, or Part 2 (commencing with Section 6250) of Division 6 of, the Welfare and Institutions Code.

(3) A correctional clinic, as defined in Section 4187, holding a currently valid and unrevoked license or permit under Article 13.5 (commencing with Section 4187).

(c) This chapter shall not apply to a home health agency licensed under Chapter 8 (commencing with Section 1725) of, or a hospice licensed under Chapter 8.5 (commencing with Section 1745) of, Division 2 of, the Health and Safety Code, when it purchases, stores, furnishes, or transports specific dangerous drugs and dangerous devices listed in board regulations in compliance with applicable law and regulations including:

(1) Dangerous devices described in subdivision (b) of Section 4022, as long as these dangerous devices are furnished only upon the prescription or order of a physician, dentist, or podiatrist.

(2) Hypodermic needles and syringes.

(3) Irrigation solutions of 50 cubic centimeters or greater.

(d) This chapter does not apply to the storage of devices in secure central or ward supply areas of a clinic, hospital, institution, or establishment holding a currently valid and unrevoked license or permit pursuant to Division 2 (commencing with Section 1200) of

the Health and Safety Code, or pursuant to Chapter 2 (commencing with Section 3300) of Division 3 of, or Part 2 (commencing with Section 6250) of Division 6 of, the Welfare and Institutions Code.

(e) This chapter does not apply to the retail sale of vitamins, mineral products, or combinations thereof or to foods, supplements, or nutrients used to fortify the diet of humans or other animals or poultry and labeled as such that are not subject to Section 4022 and that are packaged or bottled in the manufacturer's or distributor's container and labeled in accordance with applicable federal and state labeling requirements.

(f) This chapter does not apply to the furnishing of dangerous drugs and dangerous devices to recognized schools of nursing. These dangerous drugs and dangerous devices shall not include controlled substances. The dangerous drugs and dangerous devices shall be used for training purposes only, and not for the cure, mitigation, or treatment of disease in humans. Recognized schools of nursing for purposes of this subdivision are those schools recognized as training facilities by the California Board of Registered Nursing.

SEC. 5. Section 4081 of the Business and Professions Code is amended to read:

4081. (a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge, responsible manager, or designated representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge, responsible manager, or designated representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

(d) Pharmacies that dispense nonprescription diabetes test devices pursuant to prescriptions shall retain records of acquisition and sale of those nonprescription diabetes test devices for at least three years from the date of making. The records shall be at all times during business hours open to inspection by authorized officers of the law.

SEC. 6. Article 13.5 (commencing with Section 4187) is added to Chapter 9 of Division 2 of the Business and Professions Code, to read:

Article 13.5. Correctional Clinics

4187. For purposes of this article the following terms shall have the following meanings:

(a) "Correctional clinic" means a primary care clinic, as referred to in subdivision (b) of Section 1206 of the Health and Safety Code, conducted, maintained, or operated by the state to provide health care to eligible patients of the Department of Corrections and Rehabilitation.

(b) "Chief executive officer" means the highest ranking health care administrator at a correctional institution.

(c) "Chief medical executive" means a physician and surgeon acting in the capacity of medical director within the correctional institution.

(d) "Chief nurse executive" means the highest ranking nurse within the correctional institution.

(e) "Licensed correctional clinic" means a correctional clinic that is licensed pursuant to this article.

(f) "Supervising dentist" means the highest ranking dentist within the correctional institution.

4187.1. (a) Notwithstanding any other provision of this chapter, a correctional clinic licensed by the board under this article may obtain drugs from a licensed correctional pharmacy, the Department of Correction and Rehabilitation's Central Fill Pharmacy, or from another correctional clinic licensed by the board under this article within the same institution for the administration or dispensing of drugs or devices to patients eligible for care at the correctional facility if under either:

(1) The direction of a physician and surgeon, dentist, or other person lawfully authorized to prescribe.

(2) An approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures.

(b) The dispensing or administering of drugs in a correctional clinic may be performed pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with this chapter, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. The dispensing of drugs in a correctional clinic shall only be performed by a physician and surgeon, a dentist, a pharmacist, or other person lawfully authorized to dispense drugs. Medications dispensed to patients that are to be kept on the patient's person for use shall meet the labeling requirements of Section 4076 and all recordkeeping requirements of this chapter.

(c) A correctional clinic shall keep records of the kind and amounts of drugs acquired, administered, transferred, and dispensed. The records shall be available and maintained for a minimum of three years for inspection by all properly authorized personnel.

(d) (1) A correctional clinic shall not be entitled to the benefits of this section until it has obtained a license from the board.

(2) A separate license shall be required for each correctional clinic location and shall not be transferrable.

(3) A correctional clinic's location and address shall be identified by correctional institution and building within that correctional institution.

(4) A clinic shall notify the board in advance of any change in the clinic's address on a form furnished by the board.

4187.2. (a) The policies and procedures to implement the laws and regulations of this article within a correctional clinic shall be developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code. Prior to the issuance of a correctional clinic license by the board, an acknowledgment shall be signed by the correctional facility pharmacist-in-charge servicing that institution, the pharmacist-in-charge for the California Department of Correction and Rehabilitation's Central Fill Pharmacy, and the correctional clinic's chief medical executive, supervising dentist, chief nurse executive, and chief executive officer.

(b) (1) The chief executive officer shall be responsible for the safe, orderly, and lawful provision of pharmacy services. The pharmacist-in-charge of the correctional facility shall implement the policies and procedures developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code and the statewide Inmate Medical Services Policies and Procedures in conjunction with the chief executive officer, the chief medical executive, the supervising dentist, and the chief nurse executive.

(2) A licensed correctional clinic shall notify the board within 30 days of any change in the chief executive officer on a form furnished by the board.

(c) A correctional facility pharmacist shall be required to inspect the clinic at least quarterly.

4187.3. A Schedule II, III, IV, or V controlled substance may be administered by health care staff of the licensed correctional clinic lawfully authorized to administer pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with this chapter, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures.

4187.4. The board shall have the authority to inspect a correctional clinic at any time in order to determine whether a correctional clinic is, or is not, operating in compliance with this article.

4187.5. (a) An automated drug delivery system, as defined in subdivision (h), may be located in a correctional clinic licensed by the board under this article. If an automated drug delivery system is located in a correctional clinic, the correctional clinic shall implement the statewide Correctional Pharmacy and Therapeutics Committee's policies and procedures and the statewide Inmate Medical Services Policies and Procedures to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the quality, potency, and purity of drugs. All policies and procedures shall be maintained either in electronic form or paper form at the location where the automated drug system is being used.

(b) Drugs shall be removed from the automated drug delivery system upon authorization by a pharmacist after the pharmacist has reviewed the prescription and the patient profile for potential contraindications and adverse drug reactions. If the correctional pharmacy is closed and if, in the prescriber's professional judgment, delay in therapy may cause patient harm, a medication may be removed from the automated drug delivery system and administered or furnished to a patient under the direction of the prescriber. Where the drug is otherwise unavailable, a medication may be removed and administered or furnished to the patient pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. Any removal of medication from an automated drug delivery system shall be documented and provided to the correctional pharmacy when it reopens.

(c) Drugs removed from the automated drug delivery system shall be provided to the patient by a health professional licensed pursuant to this division who is lawfully authorized to perform that task.

(d) The stocking of an automated drug delivery system shall be performed by either:

(1) A pharmacist.

(2) An intern pharmacist or pharmacy technician, acting under the supervision of a pharmacist.

(e) Review of the drugs contained within, and the operation and maintenance of, the automated drug delivery system shall be the responsibility of the correctional clinic. The review shall be conducted on a monthly basis by a pharmacist and shall include a physical inspection of the drugs in the automated drug delivery system, an inspection of the automated drug delivery system machine for cleanliness, and a review of all transaction records in order to verify the security and accountability of the system.

(f) The automated drug delivery system shall be operated by a licensed correctional pharmacy. Any drugs within an automated drug delivery system are considered owned by the licensed correctional pharmacy until they are dispensed from the automated drug delivery system.

(g) Drugs from the automated drug delivery system in a correctional clinic shall only be removed by a person lawfully authorized to administer or dispense the drugs.

(h) For purposes of this section, an “automated drug delivery system” means a mechanical system controlled remotely by a pharmacist that performs operations or activities, other than compounding or administration, relative to the storage, dispensing, or distribution of prepackaged dangerous drugs or dangerous devices. An automated drug delivery system shall collect, control, and maintain all transaction information to accurately track the movement of drugs into and out of the system for security, accuracy, and accountability.

SEC. 7. Section 4203.6 is added to the Business and Professions Code, to read:

4203.6. (a) Each application for a license as a correctional clinic under Article 13.5 (commencing with Section 4187) shall be made on a form furnished by the board. The application form shall contain the name and address of the applicant, the name of its chief executive officer, as defined in Section 4187, and the name of the pharmacist-in-charge of the correctional pharmacy that provides drugs to the clinic.

(b) Upon the filing of the application and payment of the fee prescribed in Section 4400, where applicable, the board shall make a thorough investigation to determine whether the applicant and the premises for which application for a license is made qualify for licensure. The board shall also determine whether this article has been complied with and shall investigate all matters directly related to the issuance of the license. The board shall not, however, investigate any matters connected with the operation of a premises, including, but not limited to, operating hours, parking availability, or operating noise, except those matters relating to the furnishing or dispensing of drugs or devices. The board shall deny an application for a license if either the applicant or the premises for which application for a license is made does not qualify for a license under this article.

(c) If the board determines that the applicant and the premises for which application for a license is made qualify for a license under this article, the executive officer of the board shall issue a license authorizing the correctional clinic to which it is issued to obtain drugs pursuant to Article 13.5 (commencing with Section 4187). The license shall be renewed annually on or before December 31 of each year upon payment of the renewal fee prescribed in Section 4400, if applicable. A license shall not be transferable.

SEC. 8. Section 4400 of the Business and Professions Code is amended to read:

4400. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the board according to the following schedule:

(a) The fee for a nongovernmental pharmacy license shall be five hundred twenty dollars ($520) and may be increased to five hundred seventy dollars ($570). The fee for the issuance of a temporary nongovernmental pharmacy permit shall be two hundred fifty dollars ($250) and may be increased to three hundred twenty-five dollars ($325).

(b) The fee for a nongovernmental pharmacy license annual renewal shall be six hundred sixty-five dollars ($665) and may be increased to nine hundred thirty dollars ($930).

(c) The fee for the pharmacist application and examination shall be two hundred sixty dollars ($260) and may be increased to two hundred eighty-five dollars ($285).

(d) The fee for regrading an examination shall be ninety dollars ($90) and may be increased to one hundred fifteen dollars ($115). If an error in grading is found and the applicant passes the examination, the regrading fee shall be refunded.

(e) The fee for a pharmacist license shall be one hundred ninety-five dollars ($195) and may be increased to two hundred fifteen dollars ($215). The fee for a pharmacist biennial renewal shall be three hundred sixty dollars ($360) and may be increased to five hundred five dollars ($505).

(f) The fee for a nongovernmental wholesaler or third-party logistics provider license and annual renewal shall be seven hundred eighty dollars ($780) and may be increased to eight hundred twenty dollars ($820). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars ($300) and may be decreased to no less than two hundred twenty-five dollars ($225). A temporary license fee shall be seven hundred fifteen dollars ($715) and may be decreased to no less than five hundred fifty dollars ($550).

(g) The fee for a hypodermic license shall be one hundred seventy dollars ($170) and may be increased to two hundred forty dollars ($240). The fee for a hypodermic license renewal shall be two hundred dollars ($200) and may be increased to two hundred eighty dollars ($280).

(h) (1) The fee for application, investigation, and issuance of a license as a designated representative pursuant to Section 4053, as a designated representative-3PL pursuant to Section 4053.1, or as a designated representative-reverse distributor pursuant to Section 4053.2 shall be one hundred fifty dollars ($150) and may be increased to two hundred ten dollars ($210).

(2) The fee for the annual renewal of a license as a designated representative, designated representative-3PL, or designated representative-reverse distributor shall be two hundred fifteen dollars ($215) and may be increased to three hundred dollars ($300).

(i) (1) The fee for the application, investigation, and issuance of a license as a designated representative for a veterinary food-animal drug retailer pursuant to Section 4053 shall be one hundred fifty dollars ($150) and may be increased to two hundred ten dollars ($210).

(2) The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer shall be two hundred fifteen dollars ($215) and may be increased to three hundred dollars ($300).

(j) (1) The application fee for a nonresident wholesaler or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars ($780) and may be increased to eight hundred twenty dollars ($820).

(2) For nonresident wholesalers or third-party logistics providers that have 21 or more facilities operating nationwide the application fees for the first 20 locations shall be seven hundred eighty dollars ($780) and may be increased to eight hundred twenty dollars ($820). The application fee for any additional location after licensure of the first 20 locations shall be three hundred dollars ($300) and may be decreased to no less than two hundred twenty-five dollars ($225). A temporary license fee shall be seven hundred fifteen dollars ($715) and may be decreased to no less than five hundred fifty dollars ($550).

(3) The annual renewal fee for a nonresident wholesaler license or third-party logistics provider license issued pursuant to Section 4161 shall be seven hundred eighty dollars ($780) and may be increased to eight hundred twenty dollars ($820).

(k) The fee for evaluation of continuing education courses for accreditation shall be set by the board at an amount not to exceed forty dollars ($40) per course hour.

(l) The fee for an intern pharmacist license shall be one hundred sixty-five dollars ($165) and may be increased to two hundred thirty dollars ($230). The fee for transfer of intern hours or verification of licensure to another state shall be twenty-five dollars ($25) and may be increased to thirty dollars ($30).

(m) The board may waive or refund the additional fee for the issuance of a license where the license is issued less than 45 days before the next regular renewal date.

(n) The fee for the reissuance of any license, or renewal thereof, that has been lost or destroyed or reissued due to a name change shall be thirty-five dollars ($35) and may be increased to forty-five dollars ($45).

(o) The fee for the reissuance of any license, or renewal thereof, that must be reissued because of a change in the information, shall be one hundred dollars ($100) and may be increased to one hundred thirty dollars ($130).

(p) It is the intent of the Legislature that, in setting fees pursuant to this section, the board shall seek to maintain a reserve in the Pharmacy Board Contingent Fund equal to approximately one year’s operating expenditures.

(q) The fee for any applicant for a nongovernmental clinic license shall be five hundred twenty dollars ($520) for each license and may be increased to five hundred seventy dollars ($570). The annual fee for renewal of the license shall be three hundred twenty-

five dollars ($325) for each license and may be increased to three hundred sixty dollars ($360).

(r) The fee for the issuance of a pharmacy technician license shall be one hundred forty dollars ($140) and may be increased to one hundred ninety-five dollars ($195). The fee for renewal of a pharmacy technician license shall be one hundred forty dollars ($140) and may be increased to one hundred ninety-five dollars ($195).

(s) The fee for a veterinary food-animal drug retailer license shall be four hundred thirty-five dollars ($435) and may be increased to six hundred ten dollars ($610). The annual renewal fee for a veterinary food-animal drug retailer license shall be three hundred thirty dollars ($330) and may be increased to four hundred sixty dollars ($460).

(t) The fee for issuance of a retired license pursuant to Section 4200.5 shall be thirty-five dollars ($35) and may be increased to forty-five dollars ($45).

(u) The fee for issuance of a nongovernmental sterile compounding pharmacy license or a hospital satellite compounding pharmacy shall be one thousand six hundred forty-five dollars ($1,645) and may be increased to two thousand three hundred five dollars ($2,305). The fee for a temporary license shall be five hundred fifty dollars ($550) and may be increased to seven hundred fifteen dollars ($715). The annual renewal fee of the license shall be one thousand three hundred twenty-five dollars ($1,325) and may be increased to one thousand eight hundred fifty-five dollars ($1,855).

(v) The fee for the issuance of a nonresident sterile compounding pharmacy license shall be two thousand three hundred eighty dollars ($2,380) and may be increased to three thousand three hundred thirty-five dollars ($3,335). The annual renewal of the license shall be two thousand two hundred seventy dollars ($2,270) and may be increased to three thousand one hundred eighty dollars ($3,180). In addition to paying that application fee, the nonresident sterile compounding pharmacy shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4127.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board. If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(w) The fee for the issuance of an outsourcing facility license shall be two thousand two hundred seventy dollars ($2,270) and may be increased to up to three thousand one hundred eighty dollars ($3,180) by the board. The fee for the renewal of an outsourcing facility license shall be one thousand three hundred twenty-five dollars ($1,325) and may be increased to up to one thousand eight hundred fifty-five dollars ($1,855) by the board. The fee for a temporary outsourcing facility license shall be seven hundred fifteen dollars ($715).

(x) The fee for the issuance of a nonresident outsourcing facility license shall be two thousand three hundred eighty dollars ($2,380) and may be increased to up to three thousand three hundred thirty-five dollars ($3,335) by the board. The fee for the renewal of a nonresident outsourcing facility license shall be two thousand two hundred seventy dollars ($2,270) and may be increased to up to three thousand one hundred eighty dollars ($3,180) by the board. In addition to paying that application fee, the nonresident outsourcing facility shall deposit, when submitting the application, a reasonable amount, as determined by the board, necessary to cover the board's estimated cost of performing the inspection required by Section 4129.2. If the required deposit is not submitted with the application, the application shall be deemed to be incomplete. If the actual cost of the inspection exceeds the amount deposited, the board shall provide to the applicant a written invoice for the remaining amount and shall not take action on the application until the full amount has been paid to the board. If the amount deposited exceeds the amount of actual and necessary costs incurred, the board shall remit the difference to the applicant.

(y) The fee for the issuance of a centralized hospital packaging license shall be eight hundred twenty dollars ($820) and may be increased to one thousand one hundred fifty dollars ($1,150). The annual renewal of the license shall be eight hundred five dollars ($805) and may be increased to one thousand one hundred twenty-five dollars ($1,125).

(z) The fee for the issuance of a license to a correctional clinic pursuant to Article 13.5 (commencing with Section 4187) that is not owned by the state shall be five hundred twenty dollars ($520) and may be increased to five hundred seventy dollars ($570). The annual renewal fee for that correctional clinic license shall be three hundred twenty-five dollars ($325) and may be increased to three hundred sixty dollars ($360).

SEC. 9. Section 12838.1 of the Government Code is amended to read:

12838.1. (a) There is hereby created within the Department of Corrections and Rehabilitation, under the Undersecretary for Administration and Offender Services, the following divisions:

(1) The Division of Enterprise Information Services, the Division of Facility Planning, Construction, and Management, the Division of Fiscal and Business Services, and the Division of Administrative Services. Each division shall be headed by a

director, who shall be appointed by the Governor, upon recommendation of the secretary, subject to Senate confirmation, who shall serve at the pleasure of the Governor.

(2) The Division of Internal Oversight and Research. This division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, who shall serve at the pleasure of the Governor.

(b) There is hereby created in the Department of Corrections and Rehabilitation, under the Undersecretary for Health Care Services, the Division of Health Care Operations and the Division of Health Care Policy and Administration. Each division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, subject to Senate confirmation, who shall serve at the pleasure of the Governor.

(c) There is hereby created within the Department of Corrections and Rehabilitation, under the Undersecretary for Operations, the Division of Adult Institutions, the Division of Adult Parole Operations, the Division of Juvenile Justice, and the Division of Rehabilitative Programs. Each division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, subject to Senate confirmation, who shall serve at the pleasure of the Governor.

(d) The Governor shall, upon recommendation of the secretary, appoint four subordinate officers to the Division of Adult Institutions, subject to Senate confirmation, who shall serve at the pleasure of the Governor. Each subordinate officer appointed pursuant to this subdivision shall oversee an identified category of adult institutions, one of which shall be female offender facilities.

(e) (1) Unless the context clearly requires otherwise, whenever the term “Chief Deputy Secretary for Adult Operations” appears in any statute, regulation, or contract, it shall be construed to refer to the Director of the Division of Adult Institutions.

(2) Unless the context clearly requires otherwise, whenever the term “Chief Deputy Secretary for Adult Programs” appears in any statute, regulation, or contract, it shall be construed to refer to the Director of the Division of Rehabilitative Programs.

(3) Unless the context clearly requires otherwise, whenever the term “Chief Deputy Secretary for Juvenile Justice” appears in any statute, regulation, or contract, it shall be construed to refer to the Director of the Division of Juvenile Justice.

SEC. 10. Section 13332.09 of the Government Code is amended to read:

13332.09. (a) A purchase order or other form of documentation for acquisition or replacement of motor vehicles shall not be issued against any appropriation until the Department of General Services has investigated and established the necessity therefor.

(b) A state agency shall not acquire surplus mobile equipment from any source for program support until the Department of General Services has investigated and established the necessity therefor.

(c) Notwithstanding any other law, any contract for the acquisition of a motor vehicle or general use mobile equipment for a state agency shall be made by or under the supervision of the Department of General Services. Pursuant to Section 10298 of the Public Contract Code, the Department of General Services may collect a fee to offset the cost of the services provided.

(d) Any passenger-type motor vehicle purchased for a state officer, except a constitutional officer, or a state employee shall be an American-made vehicle of the light class, as defined by the Department of General Services, unless excepted by the Director of General Services on the basis of unusual requirements, including, but not limited to, use by the Department of the California Highway Patrol, that would justify the need for a motor vehicle of a heavier class.

(e) General use mobile equipment having an original purchase price of twenty-five thousand dollars ($25,000) or more shall not be rented or leased from a nonstate source and payment therefor shall not be made from any appropriation for the use of the Department of Transportation, without the prior approval of the Department of General Services after a determination that comparable state-owned equipment is not available, unless obtaining approval would endanger life or property, in which case the transaction and the justification for not having sought prior approval shall be reported immediately thereafter to the Department of General Services.

(f) For purposes of this section:

(1) “General use mobile equipment” means equipment that is listed in the Mobile Equipment Inventory of the State Equipment Council and capable of being used by more than one state agency, and shall not be deemed to refer to equipment having a practical use limited to the controlling state agency only. Section 575 of the Vehicle Code shall have no application to this section.

(2) “State agency” means a state agency, as defined pursuant to Section 11000. The University of California is requested and encouraged to have the Department of General Services perform the tasks identified in this section with respect to the acquisition or replacement of motor vehicles by the University of California. “State agency” does not include a district

agricultural association, as defined in Section 3951 of the Food and Agricultural Code, or the Prison Industry Authority as established by Section 2800 of the Penal Code.

SEC. 11. Section 14670 of the Government Code is amended to read:

14670. (a) With the consent of the state agency concerned, the director may do any of the following:

(1) Let for a period of not to exceed five years, any real or personal property that belongs to the state, the letting of which is not expressly prohibited by law, if he or she deems the letting to be in the best interest of the state.

(2) Sublet any real or personal property leased by the state, the subletting of which is not expressly prohibited by law, if he or she deems the subletting to be in the best interest of the state.

(3) Let for a period not to exceed five years, and at less than fair market rental, any real property of the state to any public agency for use as nonprofit, self-help community vegetable gardens and related supporting activities, provided:

(A) Parcels let for those purposes shall not exceed five acres.

(B) Two or more contiguous parcels shall not be let for those purposes.

(C) Parcels shall be let subject to applicable local zoning ordinances.

(b) The Legislature finds and declares that any leases let at less than fair market rental pursuant to paragraph (3) of subdivision (a) shall be of broad public benefit.

(c) Any money received in connection with paragraph (1) of subdivision (a) shall be deposited in the Property Acquisition Law Money Account and shall be available to the department upon appropriation by the Legislature.

(d) All money received pursuant to paragraph (2) of subdivision (a) shall be accounted for to the Controller at the close of each month and on order of the Controller be paid into the State Treasury and credited to the appropriation from which the cost of the lease was paid.

(e) Notwithstanding subdivisions (a) to (d), inclusive, to promote employee wellness initiatives at facilities operated by the Department of Corrections and Rehabilitation, the director may determine that allowing a lease to be made at less than fair market value is in the state's best interest. The director shall base this determination upon the Department of Corrections and Rehabilitation's written request that justifies the letting of a lease at below fair market value. Notwithstanding subdivision (a), the leases may be entered into for a period not to exceed 10 years. The criteria and the process for exempting a lease from fair market value pursuant to this subdivision shall be published in the State Administrative Manual.

(f) The Department of General Services shall report annually to the Joint Legislative Budget Committee on all new leases let at less than fair market rental value pursuant to subdivision (e). The report shall include the lease terms; the reasons, where applicable, for which the Department of Corrections and Rehabilitation requested a rental rate at less than fair market value; the justification for letting at a lesser rate; and the approach used to determine the final rental rate.

SEC. 12. Section 15820.913 of the Government Code is amended to read:

15820.913. (a) The SPWB may issue up to eight hundred sixty-seven million four hundred thirty-four thousand dollars ($867,434,000) 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.

SEC. 13. Section 1797.165 is added to the Health and Safety Code, to read:

1797.165. (a) (1) Notwithstanding any other law, the Department of Forestry and Fire Protection, also known as CAL-FIRE pursuant to Section 701.6 of the Public Resources Code, may certify an individual as an Emergency Medical Responder (EMR) if he or she meets both of the following conditions:

(A) The individual is a graduate of the CAL-FIRE training program at a conservation camp under the Department of Corrections and Rehabilitation and received a letter of recommendation from the Director of CAL-FIRE.

(B) While participating in the training program described in subparagraph (A), the individual was working toward a high school diploma or its equivalent, unless he or she already earned one.

(2) Except as provided in subdivision (b), an individual certified as an EMR pursuant to this section shall meet the training requirements developed by the authority pursuant to this division, including, but not limited to, the requirements of Chapter 1.5 of Title 22 of Division 9 of the California Code of Regulations.

(b) (1) Any individual certified pursuant to paragraph (1) of subdivision (a) is not disqualified from certification as an EMR for having committed any of the actions described in subdivision (c) of Section 1798.200. This paragraph does not apply to an individual who committed any of those actions after he or she received certification pursuant to this section.

(2) As an alternative to the certification issued pursuant to subdivision (a), CAL-FIRE may grant, in its discretion, a provisional certification to an individual pursuant to paragraph (1) of subdivision (a) as an EMR pursuant to this section for up to two two-year certification cycles, but no more than four years.

(3) The certification of an individual as an EMR pursuant to this section shall be recognized statewide as a valid EMR certification without an individual having to repeat testing or certification.

(c) The authority, in consultation with CAL-FIRE, shall promulgate emergency regulations for the process of establishing the certification process pursuant to this section. The emergency regulations promulgated pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

SEC. 14. Section 103680 of the Health and Safety Code is amended to read:

103680. (a) An additional fee of three dollars ($3) for the issuance of a permit for the disposition of human remains pursuant to Section 103675 shall be payable to the local registrar of births and deaths by the applicant for the permit. This amount shall be exempt from any adjustment made pursuant to Section 100430.

(b) Notwithstanding any other law, the local registrar of births and deaths shall pay into the State Penalty Fund, by the 10th of the month following the end of each calendar quarter one dollar ($1) of the fee collected pursuant to subdivision (a) for the training of peace officer members of county coroners' offices. The remaining funds collected pursuant to subdivision (a) shall be paid into the county treasury to be expended for indigent burial.

SEC. 15. Section 680.3 of the Penal Code is amended to read:

680.3. (a) Each law enforcement agency that has investigated a case involving the collection of sexual assault kit evidence shall, within 120 days of collection, create an information profile for the kit on the Department of Justice's SAFE-T database and report the following:

(1) If biological evidence samples from the kit were submitted to a DNA laboratory for analysis.

(2) If the kit generated a probative DNA profile.

(3) If evidence was not submitted to a DNA laboratory for processing, the reason or reasons for not submitting evidence from the kit to a DNA laboratory for processing.

(b) After 120 days following submission of rape kit biological evidence for processing, if a public DNA laboratory has not conducted DNA testing, that laboratory shall provide the reasons for the status in the appropriate SAFE-T data field. If the investigating law enforcement agency has contracted with a private laboratory to conduct DNA testing on rape kit evidence, the submitting law enforcement agency shall provide the 120-day update in SAFE-T. The process described in this subdivision shall take place every 120 days until DNA testing occurs, except as provided in subdivision (c).

(c) Upon expiration of a sexual assault case's statute of limitations, or if a law enforcement agency elects not to analyze the DNA or intends to destroy or dispose of the crime scene evidence pursuant to subdivision (f) of Section 680, the investigating law enforcement agency shall state in writing the reason the kit collected as part of that case's investigation was not analyzed. This written statement relieves the investigating law enforcement agency or public laboratory of any further duty to report information related to that kit pursuant to this section.

(d) The SAFE-T database shall not contain any identifying information about a victim or a suspect, shall not contain any DNA profiles, and shall not contain any information that would impair a pending criminal investigation.

(e) On an annual basis, the Department of Justice shall file a report to the Legislature in compliance with Section 9795 of the Government Code summarizing data entered into the SAFE-T database during that year. The report shall not reference individual victims, suspects, investigations, or prosecutions. The report shall be made public by the department.

(f) Except as provided in subdivision (e), in order to protect the confidentiality of the SAFE-T database information, SAFE-T database contents shall be confidential, and a participating law enforcement agency or laboratory shall not be compelled in a criminal or civil proceeding, except as required by Brady v. Maryland (1963) 373 U.S. 83, to provide any SAFE-T database contents to a person or party seeking those records or information.

(g) The requirements of this section shall only apply to sexual assault evidence kit evidence collected on or after January 1, 2018.

SEC. 16. Section 832.6 of the Penal Code is amended to read:

832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

(1) A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

(2) (A) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level II reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

(B) Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

(3) Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers, while assigned these duties, shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.

(4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

(5) (A) For purposes of this section, a reserve officer who has previously satisfied the training requirements pursuant to this section and has served as a level I or II reserve officer within the three-year period prior to the date of a new appointment shall be deemed to remain qualified as to the Commission on Peace Officer Standards and Training requirements if that reserve officer accepts a new appointment at the same or lower level with another law enforcement agency. If the reserve officer has more than a three-year break in service, he or she shall satisfy current training requirements.

(B) This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

(C) In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

(b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer, as provided by Section 830.1, if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines

the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for, but were not issued, the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates that are issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

(c) In carrying out this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers, as defined in paragraph (1) of subdivision (a), and may establish a professional certificate for reserve officers, as defined in paragraphs (2) and (3) of subdivision (a).

(4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the State Penalty Fund established by Section 1464.

(e) The commission shall include an amount in its annual budget request to carry out this section.

SEC. 17. Section 1170 of the Penal Code, as amended by Section 1 of Chapter 287 of the Statutes of 2017, is amended to read:

1170. (a) (1) The Legislature finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. When a sentence includes incarceration, this purpose is best served by terms that are proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances.

(2) The Legislature further finds and declares that programs should be available for inmates, including, but not limited to, educational, rehabilitative, and restorative justice programs that are designed to promote behavior change and to prepare all eligible offenders for successful reentry into the community. The Legislature encourages the development of policies and programs designed to educate and rehabilitate all eligible offenders. In implementing this section, the Department of Corrections and Rehabilitation is encouraged to allow all eligible inmates the opportunity to enroll in programs that promote successful return to the community. The Department of Corrections and Rehabilitation is directed to establish a mission statement consistent with these principles.

(3) In any case in which the sentence prescribed by statute for a person convicted of a public offense is a term of imprisonment in the state prison or a term pursuant to subdivision (h) of any specification of three time periods, the court shall sentence the defendant to one of the terms of imprisonment specified unless the convicted person is given any other disposition provided by law, including a fine, jail, probation, or the suspension of imposition or execution of sentence or is sentenced pursuant to subdivision (b) of Section 1168 because he or she had committed his or her crime prior to July 1, 1977. In sentencing the convicted person, the court shall apply the sentencing rules of the Judicial Council. The court, unless it determines that there are circumstances in mitigation of the sentence prescribed, shall also impose any other term that it is required by law to impose as an additional term. Nothing in this article shall affect any provision of law that imposes the death penalty, that authorizes or restricts the granting of probation or suspending the execution or imposition of sentence, or expressly provides for imprisonment in the state prison for life, except as provided in paragraph (2) of subdivision (d). In any case in which the amount of preimprisonment credit under Section 2900.5 or any other law is equal to or exceeds any sentence imposed pursuant to this chapter, except for the remaining portion of mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h), the entire sentence shall be deemed to have been served, except for the remaining period of mandatory supervision, and the defendant shall not be actually delivered to the custody of the secretary or to the custody of the county correctional administrator. The court shall advise the defendant that he or she shall serve an applicable period of parole, postrelease community supervision, or mandatory supervision, and order the defendant to report to the parole or probation office closest to the defendant's last legal residence, unless the in-custody credits equal the total sentence, including both confinement time and the period of parole, postrelease community supervision, or mandatory supervision. The sentence shall be deemed a separate prior prison term or a sentence of imprisonment in a county jail under subdivision (h) for purposes of Section 667.5, and a copy of the judgment and other necessary documentation shall be forwarded to the secretary.

(b) When a judgment of imprisonment is to be imposed and the statute specifies three possible terms, the choice of the appropriate term shall rest within the sound discretion of the court. At least four days prior to the time set for imposition of

judgment, either party or the victim, or the family of the victim if the victim is deceased, may submit a statement in aggravation or mitigation. In determining the appropriate term, the court may consider the record in the case, the probation officer's report, other reports, including reports received pursuant to Section 1203.03, and statements in aggravation or mitigation submitted by the prosecution, the defendant, or the victim, or the family of the victim if the victim is deceased, and any further evidence introduced at the sentencing hearing. The court shall select the term which, in the court's discretion, best serves the interests of justice. The court shall set forth on the record the reasons for imposing the term selected and the court may not impose an upper term by using the fact of any enhancement upon which sentence is imposed under any provision of law. A term of imprisonment shall not be specified if imposition of sentence is suspended.

(c) The court shall state the reasons for its sentence choice on the record at the time of sentencing. The court shall also inform the defendant that as part of the sentence after expiration of the term he or she may be on parole for a period as provided in Section 3000 or 3000.08 or postrelease community supervision for a period as provided in Section 3451.

(d) (1) When a defendant subject to this section or subdivision (b) of Section 1168 has been sentenced to be imprisoned in the state prison or a county jail pursuant to subdivision (h) and has been committed to the custody of the secretary or the county correctional administrator, the court may, within 120 days of the date of commitment on its own motion, or at any time upon the recommendation of the secretary or the Board of Parole Hearings in the case of state prison inmates, or the county correctional administrator in the case of county jail inmates, recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence. The court resentencing under this subdivision shall apply the sentencing rules of the Judicial Council so as to eliminate disparity of sentences and to promote uniformity of sentencing. The court resentencing under this paragraph may reduce a defendant's term of imprisonment and modify the judgment, including a judgment entered after a plea agreement, if it is in the interest of justice. The court may consider postconviction factors, including, but not limited to, the inmate's disciplinary record and record of rehabilitation while incarcerated, evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence, and evidence that reflects that circumstances have changed since the inmate's original sentencing so that the inmate's continued incarceration is no longer in the interest of justice. Credit shall be given for time served.

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

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

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

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

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

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

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

(C) If any of the information required in subparagraph (B) is missing from the petition, or if proof of service on the prosecuting agency is not provided, the court shall return the petition to the defendant and advise the defendant that the matter cannot be considered without the missing information.

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

(E) If the court finds by a preponderance of the evidence that one or more of the statements specified in clauses (i) to (iv), inclusive, of subparagraph (B) is true, the court shall recall the sentence and commitment previously ordered and hold a hearing to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. Victims, or victim family members if the victim is deceased, shall retain the rights to participate in the hearing.

(F) The factors that the court may consider when determining whether to resentence the defendant to a term of imprisonment with the possibility of parole include, but are not limited to, the following:

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

(ii) The defendant does not have juvenile felony adjudications for assault or other felony crimes with a significant potential for personal harm to victims prior to the offense for which the defendant was sentenced to life without the possibility of parole.

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

(iv) Prior to the offense for which the defendant was sentenced to life without the possibility of parole, the defendant had insufficient adult support or supervision and had suffered from psychological or physical trauma, or significant stress.

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

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

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

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

(G) The court shall have the discretion to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. The discretion of the court shall be exercised in consideration of the criteria in subparagraph (F). Victims, or victim family members if the victim is deceased, shall be notified of the resentencing hearing and shall retain their rights to participate in the hearing.

(H) If the sentence is not recalled or the defendant is resentenced to imprisonment for life without the possibility of parole, the defendant may submit another petition for recall and resentencing to the sentencing court when the defendant has been committed to the custody of the department for at least 20 years. If the sentence is not recalled or the defendant is resentenced to imprisonment for life without the possibility of parole under that petition, the defendant may file another petition after having served 24 years. The final petition may be submitted, and the response to that petition shall be determined, during the 25th year of the defendant's sentence.

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

(J) This subdivision shall have retroactive application.

(K) Nothing in this paragraph is intended to diminish or abrogate any rights or remedies otherwise available to the defendant.

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

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

(A) The prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within six months, as determined by a physician employed by the department.

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

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

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

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

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

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

(6) Notwithstanding any other provisions of this section, the prisoner or his or her family member or designee may independently request consideration for recall and resentencing by contacting the chief medical officer at the prison or the secretary. Upon receipt of the request, the chief medical officer and the warden or the warden's representative shall follow the procedures described in paragraph (4). If the secretary determines that the prisoner satisfies the criteria set forth in paragraph (2), the secretary or board may recommend to the court that the prisoner's sentence be recalled. The secretary shall submit a recommendation for release within 30 days in the case of inmates sentenced to determinate terms and, in the case of inmates sentenced to indeterminate terms, the secretary shall make a recommendation to the Board of Parole Hearings with respect to the inmates who have applied under this section. The board shall consider this information and make an independent judgment pursuant to paragraph (2) and make findings related thereto before rejecting the request or making a recommendation to the court. This action shall be taken at the next lawfully noticed board meeting.

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

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

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

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

(11) The provisions of this subdivision shall be available to an inmate who is sentenced to a county jail pursuant to subdivision (h). For purposes of those inmates, "secretary" or "warden" shall mean the county correctional administrator and "chief medical officer" shall mean a physician designated by the county correctional administrator for this purpose.

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

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

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

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

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

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

(5) (A) Unless the court finds that, in the interests of justice, it is not appropriate in a particular case, the court, when imposing a sentence pursuant to paragraph (1) or (2), shall suspend execution of a concluding portion of the term for a period selected at the court's discretion.

(B) The portion of a defendant's sentenced term that is suspended pursuant to this paragraph shall be known as mandatory supervision, and, unless otherwise ordered by the court, shall commence upon release from physical custody or an alternative custody program, whichever is later. During the period of mandatory supervision, the defendant shall be supervised by the county probation officer in accordance with the terms, conditions, and procedures generally applicable to persons placed on probation, for the remaining unserved portion of the sentence imposed by the court. The period of supervision shall be mandatory, and may not be earlier terminated except by court order. Any proceeding to revoke or modify mandatory supervision under this subparagraph shall be conducted pursuant to either subdivisions (a) and (b) of Section 1203.2 or Section 1203.3. During the period when the defendant is under that supervision, unless in actual custody related to the sentence imposed by the court, the defendant shall be entitled to only actual time credit against the term of imprisonment imposed by the court. Any time period which is suspended because a person has absconded shall not be credited toward the period of supervision.

(6) When the court is imposing a judgment pursuant to this subdivision concurrent or consecutive to a judgment or judgments previously imposed pursuant to this subdivision in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision of the defendant.

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

(8) The sentencing changes made to paragraph (5) by the act that added this paragraph shall become effective and operative on January 1, 2015, and shall be applied prospectively to any person sentenced on or after January 1, 2015.

(i) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

SEC. 18. Section 1170 of the Penal Code, as amended by Section 2 of Chapter 287 of the Statutes of 2017, is amended to read:

1170. (a) (1) The Legislature finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. When a sentence includes incarceration, this purpose is best served by terms that are proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances.

(2) The Legislature further finds and declares that programs should be available for inmates, including, but not limited to, educational, rehabilitative, and restorative justice programs that are designed to promote behavior change and to prepare all eligible offenders for successful reentry into the community. The Legislature encourages the development of policies and programs designed to educate and rehabilitate all eligible offenders. In implementing this section, the Department of Corrections and Rehabilitation is encouraged to allow all eligible inmates the opportunity to enroll in programs that promote successful return to the community. The Department of Corrections and Rehabilitation is directed to establish a mission statement consistent with these principles.

(3) In any case in which the sentence prescribed by statute for a person convicted of a public offense is a term of imprisonment in the state prison, or a term pursuant to subdivision (h), of any specification of three time periods, the court shall sentence the

defendant to one of the terms of imprisonment specified unless the convicted person is given any other disposition provided by law, including a fine, jail, probation, or the suspension of imposition or execution of sentence or is sentenced pursuant to subdivision (b) of Section 1168 because he or she had committed his or her crime prior to July 1, 1977. In sentencing the convicted person, the court shall apply the sentencing rules of the Judicial Council. The court, unless it determines that there are circumstances in mitigation of the sentence prescribed, shall also impose any other term that it is required by law to impose as an additional term. Nothing in this article shall affect any provision of law that imposes the death penalty, that authorizes or restricts the granting of probation or suspending the execution or imposition of sentence, or expressly provides for imprisonment in the state prison for life, except as provided in paragraph (2) of subdivision (d). In any case in which the amount of preimprisonment credit under Section 2900.5 or any other provision of law is equal to or exceeds any sentence imposed pursuant to this chapter, except for a remaining portion of mandatory supervision imposed pursuant to subparagraph (B) of paragraph (5) of subdivision (h), the entire sentence shall be deemed to have been served, except for the remaining period of mandatory supervision, and the defendant shall not be actually delivered to the custody of the secretary or the county correctional administrator. The court shall advise the defendant that he or she shall serve an applicable period of parole, postrelease community supervision, or mandatory supervision and order the defendant to report to the parole or probation office closest to the defendant's last legal residence, unless the in-custody credits equal the total sentence, including both confinement time and the period of parole, postrelease community supervision, or mandatory supervision. The sentence shall be deemed a separate prior prison term or a sentence of imprisonment in a county jail under subdivision (h) for purposes of Section 667.5, and a copy of the judgment and other necessary documentation shall be forwarded to the secretary.

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

(c) The court shall state the reasons for its sentence choice on the record at the time of sentencing. The court shall also inform the defendant that as part of the sentence after expiration of the term he or she may be on parole for a period as provided in Section 3000 or 3000.08 or postrelease community supervision for a period as provided in Section 3451.

(d) (1) When a defendant subject to this section or subdivision (b) of Section 1168 has been sentenced to be imprisoned in the state prison or a county jail pursuant to subdivision (h) and has been committed to the custody of the secretary or the county correctional administrator, the court may, within 120 days of the date of commitment on its own motion, or at any time upon the recommendation of the secretary or the Board of Parole Hearings in the case of state prison inmates, or the county correctional administrator in the case of county jail inmates, recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence. The court resentencing under this subdivision shall apply the sentencing rules of the Judicial Council so as to eliminate disparity of sentences and to promote uniformity of sentencing. The court resentencing under this paragraph may reduce a defendant's term of imprisonment and modify the judgment, including a judgment entered after a plea agreement, if it is in the interest of justice. The court may consider postconviction factors, including, but not limited to, the inmate's disciplinary record and record of rehabilitation while incarcerated, evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence, and evidence that reflects that circumstances have changed since the inmate's original sentencing so that the inmate's continued incarceration is no longer in the interest of justice. Credit shall be given for time served.

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

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

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

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

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

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

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

(C) If any of the information required in subparagraph (B) is missing from the petition, or if proof of service on the prosecuting agency is not provided, the court shall return the petition to the defendant and advise the defendant that the matter cannot be considered without the missing information.

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

(E) If the court finds by a preponderance of the evidence that one or more of the statements specified in clauses (i) to (iv), inclusive, of subparagraph (B) is true, the court shall recall the sentence and commitment previously ordered and hold a hearing to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. Victims, or victim family members if the victim is deceased, shall retain the rights to participate in the hearing.

(F) The factors that the court may consider when determining whether to resentence the defendant to a term of imprisonment with the possibility of parole include, but are not limited to, the following:

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

(ii) The defendant does not have juvenile felony adjudications for assault or other felony crimes with a significant potential for personal harm to victims prior to the offense for which the defendant was sentenced to life without the possibility of parole.

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

(iv) Prior to the offense for which the defendant was sentenced to life without the possibility of parole, the defendant had insufficient adult support or supervision and had suffered from psychological or physical trauma, or significant stress.

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

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

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

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

(G) The court shall have the discretion to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. The discretion of the court shall be exercised in consideration of the criteria in subparagraph (F). Victims, or victim family members if the victim is deceased, shall be notified of the resentencing hearing and shall retain their rights to participate in the hearing.

(H) If the sentence is not recalled or the defendant is resentenced to imprisonment for life without the possibility of parole, the defendant may submit another petition for recall and resentencing to the sentencing court when the defendant has been committed to the custody of the department for at least 20 years. If the sentence is not recalled or the defendant is resentenced to imprisonment for life without the possibility of parole under that petition, the defendant may file another petition after having served 24 years. The final petition may be submitted, and the response to that petition shall be determined, during the 25th year of the defendant's sentence.

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

(J) This subdivision shall have retroactive application.

(K) Nothing in this paragraph is intended to diminish or abrogate any rights or remedies otherwise available to the defendant.

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

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

(A) The prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within six months, as determined by a physician employed by the department.

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

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

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

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

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

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

(6) Notwithstanding any other provisions of this section, the prisoner or his or her family member or designee may independently request consideration for recall and resentencing by contacting the chief medical officer at the prison or the secretary. Upon receipt of the request, the chief medical officer and the warden or the warden's representative shall follow the procedures described in paragraph (4). If the secretary determines that the prisoner satisfies the criteria set forth in paragraph (2), the secretary or board may recommend to the court that the prisoner's sentence be recalled. The secretary shall submit a recommendation for release within 30 days in the case of inmates sentenced to determinate terms and, in the case of inmates sentenced to indeterminate terms, the secretary shall make a recommendation to the Board of Parole Hearings with respect to the inmates who have applied under this section. The board shall consider this information and make an independent judgment pursuant to paragraph (2) and make findings related thereto before rejecting the request or making a recommendation to the court. This action shall be taken at the next lawfully noticed board meeting.

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

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

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

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

(11) The provisions of this subdivision shall be available to an inmate who is sentenced to a county jail pursuant to subdivision (h). For purposes of those inmates, "secretary" or "warden" shall mean the county correctional administrator and "chief medical officer" shall mean a physician designated by the county correctional administrator for this purpose.

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

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

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

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

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

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

(5) (A) Unless the court finds, in the interest of justice, that it is not appropriate in a particular case, the court, when imposing a sentence pursuant to paragraph (1) or (2), shall suspend execution of a concluding portion of the term for a period selected at the court's discretion.

(B) The portion of a defendant's sentenced term that is suspended pursuant to this paragraph shall be known as mandatory supervision, and, unless otherwise ordered by the court, shall commence upon release from physical custody or an alternative custody program, whichever is later. During the period of mandatory supervision, the defendant shall be supervised by the county probation officer in accordance with the terms, conditions, and procedures generally applicable to persons placed on probation, for the remaining unserved portion of the sentence imposed by the court. The period of supervision shall be mandatory, and may not be earlier terminated except by court order. Any proceeding to revoke or modify mandatory supervision under this subparagraph shall be conducted pursuant to either subdivisions (a) and (b) of Section 1203.2 or Section 1203.3. During the period when the defendant is under that supervision, unless in actual custody related to the sentence imposed by the court, the defendant shall be entitled to only actual time credit against the term of imprisonment imposed by the court. Any time period which is suspended because a person has absconded shall not be credited toward the period of supervision.

(6) When the court is imposing a judgment pursuant to this subdivision concurrent or consecutive to a judgment or judgments previously imposed pursuant to this subdivision in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision of the defendant.

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

(8) The sentencing changes made to paragraph (5) by the act that added this paragraph shall become effective and operative on January 1, 2015, and shall be applied prospectively to any person sentenced on or after January 1, 2015.

(i) This section shall become operative on January 1, 2022.

SEC. 19. Section 2067 is added to the Penal Code, immediately following Section 2066, to read:

2067. (a) As outlined in the Budget Act of 2018, it is anticipated that all California inmates will be returned from out-of-state contract correctional facilities by February 2019. To the extent that the adult offender population continues to decline, the Department of Corrections and Rehabilitation shall begin reducing private in-state male contract correctional facilities in a manner that maintains sufficient flexibility to comply with the federal court order to maintain the prison population at or below 137.5 percent of design capacity. The private in-state male contract correctional facilities that are primarily staffed by non-Department of Corrections and Rehabilitation personnel shall be prioritized for reduction over other in-state contract correctional facilities.

(b) As the population of offenders in private in-state male contract correctional facilities identified in subdivision (a) is reduced, and to the extent that the adult offender population continues to decline, the Department of Corrections and Rehabilitation shall accommodate the projected population decline by reducing the capacity of state-owned and operated prisons or in-state leased or contract correctional facilities, in a manner that maximizes long-term state facility savings, leverages long-term investments, and maintains sufficient flexibility to comply with the federal court order to maintain the prison population at or below 137.5 percent of design capacity. In reducing this additional capacity, the department shall take into consideration the following factors, including, but not limited to:

(1) The cost to operate at the capacity.

(2) Workforce impacts.

(3) Subpopulation and gender-specific housing needs.

(4) Long-term investment in state-owned and operated correctional facilities, including previous investments.

(5) Public safety and rehabilitation.

(6) The durability of the state's solution to prison overcrowding.

SEC. 20. Section 3007.08 is added to the Penal Code, to read:

3007.08. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice and the Department of Motor Vehicles shall ensure that an eligible juvenile offender released from a state juvenile facility has a valid identification card, issued pursuant to Article 3 (commencing with Section 12800) and Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code.

(b) The fee for an identification card issued pursuant to this section is eight dollars ($8). An eligible juvenile offender shall provide the Department of Motor Vehicles, upon application, with a verification of his or her eligibility that meets all of the following requirements:

(1) Is on state juvenile correctional facility letterhead.

(2) Is typed or computer generated.

(3) Contains the juvenile offender's name.

(4) Contains the juvenile offender's date of birth.

(5) Contains the original signature of an official from the state juvenile correctional facility.

(6) Is dated within 90 days of the application.

(c) The verification required by subdivision (b) may be used to attest to an applicant's residency in a facility operated by the department and shall be acceptable proof of California residency.

(d) (1) For purposes of this section, "eligible juvenile offender" means a juvenile offender who previously held a California driver's license or identification card, issued pursuant to Section 12801.5 of Article 3 (commencing with Section 12800) of Chapter 1 of Division 6 of the Vehicle Code, or a juvenile offender who provides acceptable proof of his or her:

(A) True full name.

(B) Date of birth.

(C) Social security number.

(D) Legal presence in the United States.

(E) California residency.

(2) A certified copy of a birth certificate issued by the Office of Vital Records of the State Department of Public Health is acceptable proof to satisfy the requirements of subparagraphs (A), (B), and (D) of paragraph (1).

(e) The Department of Corrections and Rehabilitation, Division of Juvenile Justice and the Department of Motor Vehicles shall enter into an interagency agreement to implement this section.

SEC. 21. Section 4115.5 of the Penal Code, as amended by Section 2 of Chapter 44 of the Statutes of 2014, is amended to read:

4115.5. (a) The board of supervisors of a county where, in the opinion of the sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities, may enter into an agreement with the board or boards of supervisors of one or more counties whose county adult detention facilities are adequate for and accessible to the first county to permit commitment of sentenced misdemeanants, persons sentenced pursuant to subdivision (h) of Section 1170, and any persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation, with the concurrence of that county's sheriff or director of its county department of corrections. When the agreement is in effect, commitments may be made by the court.

(b) A county entering into an agreement with another county pursuant to subdivision (a) shall report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being incarcerated in another county's facility pursuant to subdivision (a) and the reason for needing to incarcerate the offenders outside the county.

(c) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2022, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 22. Section 4115.5 of the Penal Code, as amended by Section 3 of Chapter 44 of the Statutes of 2014, is amended to read:

4115.5. (a) The board of supervisors of a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities may enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate and are readily accessible from the first county to permit commitment of misdemeanants, and any persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation, to a jail in a county having adequate facilities that is a party to the agreement. That agreement shall make provision for the support of a person so committed or transferred by the county from which he or she is committed. When that agreement is in effect, commitments may be made by the court and support of a person so committed shall be a charge upon the county from which he or she is committed.

(b) This section shall become operative on July 1, 2021.

SEC. 23. Section 6031.4 of the Penal Code is amended to read:

6031.4. (a) For the purpose of this title, "local detention facility" means any city, county, city and county, or regional facility used for the confinement for more than 24 hours of adults, or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.

(b) In addition to those provided for in subdivision (a), for the purposes of this title, "local detention facility" also includes any city, county, city and county, or regional facility, constructed on or after January 1, 1978, used for the confinement, regardless of the length of confinement, of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors.

(c) "Local detention facility" also includes any adult detention facility, exclusive of any facility operated by the Department of Corrections and Rehabilitation or any facility holding inmates pursuant to Section 2910.5, Chapter 4 (commencing with Section 3410) of Title 2 of, Chapter 9.2 (commencing with Section 6220) of Title 7 of, Chapter 9.5 (commencing with Section 6250) of Title

7 of, or Chapter 9.6 (commencing with Section 6260) of Title 7 of, Part 3, that holds local prisoners under contract on behalf of a city, county, or city and county. Nothing in this subdivision shall be construed as affecting or authorizing the establishment of private detention facilities.

(d) “Local detention facility” also includes a court holding facility within a superior court that is operated by or supervised by personnel trained pursuant to Section 1024 of Title 15 of the California Code of Regulations. A court holding facility does not include an area within a courtroom or a public area in the courthouse.

(e) For purposes of this title, a local detention facility does not include those rooms that are used for holding persons for interviews, interrogations, or investigations, and are either separate from a jail or located in the administrative area of a law enforcement facility.

SEC. 24. Section 6040 of the Penal Code is amended to read:

6040. There is hereby created in the State Treasury a Corrections Training Fund. Upon appropriation from the fund, moneys shall be used exclusively for the costs of administration, the development of appropriate standards, the development of training, and program evaluation, pursuant to this chapter. The fund is abolished on June 30, 2021, and any moneys remaining in the fund shall revert to the State Penalty Fund.

SEC. 25. Section 6402.5 is added to the Penal Code, to read:

6402.5. (a) It is the intent of the Legislature that the Contraband Interdiction Pilot Program at the California Substance Abuse Treatment Facility and State Prison, Corcoran authorized by the Budget Act of 2018 be designed in such a way as to provide the Legislature with reliable information about how contraband enters prisons and what strategies are most cost effective in reducing inmate drug use.

(b) The Department of Corrections and Rehabilitation shall design the pilot program and submit a report to the Legislature by February 1, 2021, that includes all of the following:

(1) An assessment of the relative cost-effectiveness in reducing inmate drug use of each contraband interdiction strategy used in the pilot program, including medication assisted treatment.

(2) Data on and analysis of instances of contraband entering the prison, including, but not limited to, the following:

(A) How the contraband was brought or attempted to be brought into the prison.

(B) When the violation occurred.

(C) Whether the person who is alleged to have committed the violation is an inmate, staff member, visitor, volunteer, contractor, or other.

(D) The type of contraband involved.

(E) How the violation was discovered.

(F) Data on and analysis of arrests resulting from the violation, including, but not limited to, the number and type of arrests.

(G) Data on and analysis of disciplinary actions taken against staff or inmates as a result of their participation in efforts to bring contraband into the prison.

(3) An assessment of whether the pilot program caused declines in or any other observable impact on visitation.

(4) An assessment of whether the pilot program caused changes in the prevalence of violence or lockdowns in the prison.

(5) Any other data the department determines has probative value as to the efficacy of the pilot program.

(c) The pilot program shall require that entrance screening be conducted on every individual and package entering the prison and take place 24 hours per day, seven days per week. The department shall track and report on the use of entrance screening technology and equipment throughout the pilot period. To the extent screening does not occur for any period of time on any given day, the department shall document the day of the week, date, and the length of time in which screening does not occur, including starting and ending times. The department shall also include the reason that screening was not conducted during that timeframe, including, but not limited to, technology failures and staffing issues.

(d) (1) A report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2022.

SEC. 26. Section 13509 is added to the Penal Code, to read:

13509. (a) There is hereby established the Innovations Grant Program within the Commission on Peace Officer Standards and Training to, upon an appropriation of funds for the purposes described in this section, grant funds on a competitive basis to qualified public and private entities for the purpose of fostering innovations in training and procedures for law enforcement officers with the goal of reducing the number of officer-involved shootings statewide.

(b) The commission shall develop and implement the program described in this section, including, but not limited to, application procedures, selection criteria, and reporting requirements.

(c) In developing the program, the commission shall hold no less than two public hearings during which public and private stakeholders, community-based organizations that work on policing-related issues, and other interested parties can provide public comment or submit written public comment on the development and administration of the program.

(d) Grants issued pursuant to this section shall support one or more of the following purposes:

(1) Developing and providing training and workshops for law enforcement officers addressing issues of implicit bias.

(2) Developing and providing training and workshops for law enforcement officers on use of force and deescalation.

(3) Developing and providing training and workshops for law enforcement officers on cultural diversity and awareness.

(4) Developing and providing training and workshops for law enforcement officers on community policing.

(5) Developing and providing wellness programs for law enforcement officers.

(e) Grants issued pursuant to this section shall, at minimum, comply with the following guidelines:

(1) Priority shall be given to agencies that have the highest per-officer incidence rate of officer-involved shootings and to the organizations that serve those agencies or are located in the communities served by those agencies.

(2) Sixty-five percent of available funding shall be awarded to community-based nonprofit organizations with the remaining funds awarded to other categories of applicants, including, but not limited to, law enforcement agencies, educational or law enforcement training institutions, and private for-profit organizations.

(3) Grant recipients shall be awarded no more than two hundred thousand dollars ($200,000) and no less than twenty-five thousand dollars ($25,000).

(4) Grant recipients shall be required to report back to the commission on the use of grant funds, including, but not limited to, the number of officers that received training.

(f) Any costs incurred by the commission in connection with the development or administration of the program shall be deducted from the amount appropriated before awarding any grants, not to exceed 5 percent of the amount appropriated.

(g) (1) The commission shall, no later than January 31, 2023, prepare and submit a report to the Legislature summarizing the expenditure of Innovations Grant Program funds, including, but not limited to, recipients and award amounts, summaries of training programs that were developed, the number of officers who received training, and any measurable outcomes.

(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(3) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2025.

SEC. 27. Section 13523 of the Penal Code is amended to read:

13523. (a) The commission shall annually allocate and the State Treasurer shall periodically pay from the Peace Officers' Training Fund, at intervals specified by the commission, to each city, county, district, or joint powers agency, that has applied and qualified for aid pursuant to this chapter an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, districts, and joint powers agencies. State aid shall only be provided for training expenses of full-time regularly paid employees, as defined by the commission, of eligible agencies from cities, counties, districts, or joint powers agencies.

(b) In no event shall any allocation be made to any city, county, district, or joint power agency that is not adhering to the standards established by the commission as applicable to that city, county, district, or joint powers agency.

(c) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed.

SEC. 28. Section 13523 is added to the Penal Code, to read:

13523. (a) The commission shall annually allocate and the State Treasurer shall periodically pay from the State Penalty Fund, at intervals specified by the commission, to each city, county, district, or joint powers agency that has applied and qualified for aid pursuant to this chapter an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, districts, and joint powers agencies. State aid shall only be provided for training expenses of full-time regularly paid employees, as defined by the commission, of eligible agencies from cities, counties, districts, or joint powers agencies.

(b) An allocation shall not be made to any city, county, district, or joint power agency that is not adhering to the standards established by the commission as applicable to that city, county, district, or joint powers agency.

(c) This section shall become operative on July 1, 2019.

SEC. 29. Section 13603 of the Penal Code is amended to read:

13603. (a) The Department of Corrections and Rehabilitation shall, until January 1, 2019, provide 480 hours of training to each correctional peace officer cadet. The department shall provide 520 hours of training to each correctional peace officer cadet who commences training on or after January 1, 2019. This training shall be completed by the cadet prior to his or her assignment to a post or position as a correctional peace officer.

(b) The CPOST shall determine the on-the-job training requirements for correctional peace officers.

(c) The department shall provide a minimum of two weeks of training to each newly appointed first-line supervisor.

(d) Training standards previously established pursuant to this section shall remain in effect until training requirements are established by the CPOST pursuant to Section 13602.

SEC. 30. Section 607 of the Welfare and Institutions Code is amended to read:

607. (a) The court may retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, except as provided in subdivisions (b), (c), and (d).

(b) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, until that person attains 25 years of age if the person was committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.

(c) The court shall not discharge a person from its jurisdiction who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities while the person remains under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, including periods of extended control ordered pursuant to Section 1800.

(d) The court may retain jurisdiction over a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.

(e) The court may retain jurisdiction over a person while that person is the subject of a warrant for arrest issued pursuant to Section 663.

(f) Notwithstanding subdivisions (b) and (d), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities on or after July 1, 2012, but before July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions (b) and (d).

(g) (1) Notwithstanding subdivision (f), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23

years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(2) A person who, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision (f).

(h) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

(i) This section does not change the period of juvenile court jurisdiction for a person committed to the Division of Juvenile Facilities prior to July 1, 2018.

SEC. 31. Section 912 of the Welfare and Institutions Code is amended to read:

912. (a) A county from which a person is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall pay to the state an annual rate of twenty-four thousand dollars ($24,000) while the person remains in an institution under the direct supervision of the division, or in an institution, boarding home, foster home, or other private or public institution in which the person is placed by the division, and cared for and supported at the expense of the division, as provided in this subdivision. This subdivision applies to a person who is committed to the division by a juvenile court on or after July 1, 2012.

The Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall present to the county, not more frequently than monthly, a claim for the amount due to the state under this subdivision, which the county shall process and pay pursuant to Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(b) A county from which a person is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, shall pay to the state an annual rate of twenty-four thousand dollars ($24,000) for the time the person remains in an institution under the direct supervision of the division, or in an institution, boarding home, foster home, or other private or public institution in which the person is placed by the division, and cared for and supported at the expense of the division, as provided in this subdivision. A county shall not pay the annual rate of twenty-four thousand dollars ($24,000) for a person who is 23 years of age or older. This subdivision applies to a person committed to the division by a juvenile court on or after July 1, 2018.

(c) Consistent with Article 1 (commencing with Section 6024) of Chapter 5 of Title 7 of Part 3 of the Penal Code, the Board of State and Community Corrections shall collect and maintain available information and data about the movement of juvenile offenders committed by a juvenile court and placed in any institution, boarding home, foster home, or other private or public institution in which they are cared for, supervised, or both, by the division or the county while they are on parole, probation, or otherwise.

SEC. 32. Section 1178 of the Welfare and Institutions Code is amended to read:

1178. (a) A person previously committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities may petition the Board of Juvenile Hearings for an honorable discharge upon his or her completion of local probation supervision following discharge, but not sooner than 18 months following the date of discharge, by the board.

(b) Commencing on or after July 1, 2018, a person housed at the Division of Juvenile Facilities pursuant to paragraph (3) of subdivision (c) of Section 1731.5 or Section 1731.7 may petition the Board of Juvenile Hearings for an honorable discharge upon his or her completion of parole or local probation supervision following release, but not sooner than 18 months following the date of release.

(c) (1) The county of commitment shall inform youth currently or previously under its supervision, who were previously under the jurisdiction of the division, about the opportunity and process of petitioning the board for an honorable discharge.

(2) The county of commitment shall send a letter regarding the opportunity and process of petitioning the board for an honorable discharge to the last known residence of a person previously under the supervision of the county of commitment.

(d) Upon receiving a petition for an honorable discharge, the board shall request of the county of commitment, and the county of commitment shall provide, a summary report of the petitioner’s performance while on probation after release from the Division of Juvenile Facilities.

(e) The Division of Juvenile Facilities shall promulgate regulations to implement this section.

SEC. 33. Chapter 5 (commencing with Section 1450) is added to Part 1 of Division 2 of the Welfare and Institutions Code, to read:

CHAPTER 5. Youth Reinvestment Grant Program
Article 1. General Provisions

1450. (a) There is hereby established the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds pursuant to this chapter, upon an appropriation of funds for the purposes described in this chapter.

(b) Three percent of the funds in the Youth Reinvestment Grant Program shall be used for administrative costs to the board resulting from the implementation of this chapter.

1451. For purposes of this chapter, the following definitions apply:

(a) “Board” means the Board of State and Community Corrections.

(b) “High rate” means a rate that exceeds the state average.

(c) “Trauma-informed” means an approach that involves an understanding of adverse childhood experiences and responding to symptoms of chronic interpersonal trauma and traumatic stress across the lifespan of an individual.

Article 2. Trauma-Informed Diversion Programs for Indian Children

1452. For purposes of this article, “Indian child” and “Indian tribe” shall have the same meaning as provided in Section 224.1.

1453. (a) The board shall allocate 3 percent of funds for the Youth Reinvestment Grant Program, upon appropriation of funds pursuant to Section 1450, to Indian tribes through an application process for the purpose of implementing diversion programs for Indian children that use trauma-informed, community-based, and health-based interventions.

(b) Funding priority shall be given to diversion programs that address the needs of Indian children who experience the following:

(1) High rates of juvenile arrests.

(2) High rates of suicide.

(3) High rates of alcohol and substance abuse.

(4) Average high school graduation rates that are lower than 75 percent.

(c) Indian tribes may apply for funding under this article on a regional efforts basis and receive the aggregate amount of funds that they would have received if awarded as independent jurisdictions.

Article 3. Trauma-Informed Diversion Programs for Minors

1454. (a) The board shall allocate 94 percent of funds for the Youth Reinvestment Grant Program, upon appropriation of funds pursuant to Section 1450, to local jurisdictions, including a county, city, or city and county, through a competitive grant process for the purpose of implementing trauma-informed diversion programs for minors.

(b) The board shall distribute a grant under this article pursuant to all of the following conditions:

(1) A local jurisdiction shall be awarded no less than fifty thousand dollars ($50,000) and no more than one million dollars ($1,000,000).

(2) (A) A local jurisdiction shall provide at least a 25-percent match to the grant that it receives pursuant to this article. Funds used to provide the 25-percent match amount may include a combination of federal, other state, local, or private funds.

(B) Notwithstanding subparagraph (A), a local jurisdiction may provide less than a 25-percent match, but at least a 10-percent match, to the grant if the local jurisdiction is identified by the board as high need with low or no local infrastructure for diversion programming.

(3) (A) Ten percent of the funds shall be distributed to a lead public agency to coordinate with local law enforcement agencies, social services agencies, and nonprofit organizations on implementation of diversion programs and alternatives to incarceration and involvement with the juvenile justice system.

(B) Ninety percent of the funds shall pass through the lead public agency to community-based organizations, that are nongovernmental and not local law enforcement agencies, to deliver services in underserved communities with high rates of juvenile arrests.

(4) Highest need is identified based on both of the following:

(A) Jurisdictions with high rates of juvenile arrests for misdemeanors and status offenses.

(B) Jurisdictions with racial or ethnic disparities on the basis of disproportionately high rates of juvenile arrests.

(5) (A) Services shall be community-based, located in communities of local jurisdictions with the highest need.

(B) Services shall be evidence based or research supported, trauma informed, culturally relevant, and developmentally appropriate.

(C) Direct service providers who receive funding from a grant pursuant to this article shall be nongovernmental and not law enforcement or probation entities.

(D) Direct service providers shall have experience effectively serving at-risk youth populations.

(E) Services shall include all of the following:

(i) Diversion programs and alternatives to arrest, incarceration, and formal involvement with the juvenile justice system.

(ii) Educational services, including academic and vocational services.

(iii) Mentoring services.

(iv) Behavioral health services.

(v) Mental health services.

(c) Local jurisdictions may apply for funding under this article on a regional efforts basis and receive the aggregate amount of funds that they would have received if awarded as independent jurisdictions.

1455. (a) The board shall be responsible for administration oversight and accountability of the grant program under this article, in coordination with the California Health and Human Services Agency and the State Department of Education.

(b) The board, in collaboration with partner agencies, shall perform all of the following duties:

(1) Provide guidance to applicant and recipient local jurisdictions, including guidance regarding available federal, state, and local funds for the purposes of braiding and matching funds.

(2) Support data collection and analysis to identify and target jurisdictions with the highest need and to measure program outcomes and impacts.

(3) Track funding allocations and disbursements in accordance with the applicant's proposed plans.

(4) (A) Secure or set aside sufficient funds to contract with a research firm or university to conduct a statewide evaluation of the grant program and its outcomes over a three-year grant period.

(B) The board shall make available on its Internet Web site a report of grantees, projects, and outcomes at the state and local levels upon completion of the three-year period.

(C) The board and collaborating agencies shall assist the research firm or university by providing relevant, existing data for the purposes of tracking outcomes. Measures may include, but are not limited to, any of the following:

(i) Reductions in law enforcement responses to minors for low-level offenses, court caseloads and processing, days the minors spend in detention, placement of minors in congregate care, school and placement disruptions, and facility staff turnover.

(ii) Improvement in the health and well-being of the minors, school and community stability, educational attainment, and employment opportunities.

(iii) Projected state and local cost savings as a result of the diversion programming.

SEC. 34. Section 1731.5 of the Welfare and Institutions Code is amended to read:

1731.5. (a) After certification to the Governor as provided in this article, a court may commit to the Division of Juvenile Facilities any person who meets all of the following:

(1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.

(2) Is found to be less than 21 years of age at the time of apprehension.

(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Division of Juvenile Facilities shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.

(c) A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may order that the person be transferred to the custody of the Division of Juvenile Facilities pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision.

The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Facilities either under the Arnold-Kennick Juvenile Court Law or subdivision (a).

The duration of the transfer shall extend until any of the following occurs:

(1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.

(2) The inmate is ordered discharged by the Board of Parole Hearings.

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is completed.

(d) The amendments to subdivision (c), as that subdivision reads on July 1, 2018, made by the act adding this subdivision, apply retroactively.

SEC. 35. Section 1731.7 is added to the Welfare and Institutions Code, to read:

1731.7. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Facilities shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) An eligible person may be transferred to the Division of Juvenile Facilities by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Facilities. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Facilities as a place of reception for a person described in this section.

(d) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(e) (1) The Division of Juvenile Facilities shall produce and submit a report to the Legislature on January 1, 2020, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:

(A) Criteria used to determine placement in the program.

(B) Guidelines for satisfactory completion of the program.

(C) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(D) Disciplinary infractions incurred by participants.

(E) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(F) Quantitative and qualitative measures of progress in programming.

(G) Rates of attrition of program participants.

(f) The Division of Juvenile Facilities shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(g) The Division of Juvenile Facilities shall promulgate regulations to implement this section.

(h) This section shall become inoperative on June 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 36. Section 1769 of the Welfare and Institutions Code is amended to read:

1769. (a) A person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court shall, except as provided in subdivision (b), be discharged upon the expiration of a two-year period of control or when he or she attains 21 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

(b) A person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court and who has been found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control or when he or she attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

(c) Notwithstanding subdivision (b), a person who is committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2012, who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control, or when he or she attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This subdivision does not apply to persons committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2012, pursuant to subdivision (b).

(d) (1) A person committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control, of when he or she attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, a state hospital, or another appropriate public or private mental health facility, by a juvenile court prior to July 1, 2018, pursuant to subdivision (b) or (c).

(2) A person who at the time of adjudication of a crime or crimes would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25

years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision (b).

(e) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

SEC. 37. Section 1771 of the Welfare and Institutions Code is amended to read:

1771. (a) A person who is convicted of a felony and committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall be discharged when he or she attains 25 years of age, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) or unless a petition is filed under Article 5 (commencing with Section 1780). If a petition under Article 5 (commencing with Section 1780) is filed, the division shall retain control until the final disposition of the proceeding under Article 5 (commencing with Section 1780).

(b) Notwithstanding subdivision (a), a person who is committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2012, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2012, pursuant to subdivision (a).

(c) (1) Notwithstanding subdivisions (a) or (b), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(2) A person who at the time of adjudication of a crime or crimes would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or to a person who is confined in a state hospital or other appropriate public or private mental health facility by a court prior to July 1, 2018, pursuant to subdivision (a).

(d) The amendments to this section made by Chapter 342 of the Statutes of 2012 shall apply retroactively.

SEC. 38. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 39. There is hereby appropriated the sum of one million eight hundred fifty-three thousand dollars ($1,853,000) from the General Fund to the Department of Corrections and Rehabilitation to provide funding for the Corcoran Levee Assessment.

SEC. 40. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.