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SB-157 Crime prevention: enforcement and training programs. (2021-2022)

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Date Published: 07/16/2021 09:00 PM

Senate Bill No. 157

CHAPTER 83

An act to amend Section 11489 of the Health and Safety Code, and to amend Sections 13821, 13848.4, 14300, 14301, 14306, 14307, 14309, and 14314 of the Penal Code, relating to law enforcement, and making an appropriation therefor, a bill relating to the budget to take effect immediately.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 157, Committee on Budget and Fiscal Review. Crime prevention: enforcement and training programs.

(1) Existing law subjects certain property used or acquired in violation of the California Uniform Controlled Substances Act to forfeiture, such as controlled substances, equipment used to process controlled substances, and real property of any property owner who is convicted of violating specified controlled substances crimes with respect to that property. Existing law specifies how the money forfeited or the proceeds of sale are required to be distributed by the state or local governmental entities, including 1% of those funds for the purpose of educating and training for prosecutors and law enforcement officers regarding the seizure and forfeiture of assets.

This bill would make an appropriation by instead requiring 1% of the funds to be provided to the Environmental Enforcement and Training Account to support the development of courses and training materials and the enforcement of state and local environmental laws, as specified.

(2) Existing law establishes the High Technology Theft Apprehension and Prosecution Program to ensure that law enforcement is equipped with the necessary personnel and equipment to successfully combat high technology crime. Existing law allocates funds for this program to the Department of Justice and the California District Attorneys Association, as specified.

This bill would eliminate the allocation of funding to the California District Attorneys Association and would allocate all funds to the Department of Justice, as specified. The bill would prohibit the creation of new contracts with the California District Attorneys Association under these provisions.

(3) Existing law, known as the Environmental Enforcement and Training Act of 2002, authorizes funding programs for statewide education and training in the enforcement of environmental laws and enhanced local environmental enforcement efforts. Existing law authorizes the allocation of funds to the California District Attorneys Association for the purpose of creating courses of instruction for the training of public prosecutors in the enforcement of state and local environmental laws, and for the training of investigators from the offices of public prosecutors, fire departments, and state and local environmental regulators. Existing law requires the secretary of the California Environmental Protection Agency to allocate and award funds to public agencies or private nonprofit organizations for the purpose supporting environmental enforcement education and training programs. Existing law also establishes the Environmental Circuit Prosecutor Project, a cooperative project of the agency and the California District Attorneys

Association, for the purpose of, among other things, establishing model environmental crime prevention and increased awareness of efforts to enforce environmental laws.

This bill would instead allocate funding to qualified grantees to develop and implement the specified education and training programs. The bill would eliminate the Environmental Circuit Prosecutor Project and instead establish the Environmental Circuit Prosecutor Grant Program within the California Environmental Protection Agency, which would provide grant funding for the costs of prosecutors, investigators, and research attorneys for specified purposes relating to prosecuting environmental crimes. The bill would require the secretary, when specified and subject to a sufficient balance in the Environmental Enforcement and Training Account, to issue requests for proposals for the allocation and award of funds to public agencies or private nonprofit organizations for the purpose of environmental enforcement education and training programs, as specified. The bill would prohibit an award of a grant to, or the creation of new contracts with, the California District Attorneys Association under these programs.

(4) 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: no

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

SECTION 1. The Legislature finds and declares the following:

(a) The California District Attorneys Association received state funding that had restricted purposes.

(b) The California District Attorneys Association should repay the sum of any misused funds found in an audit or investigation in a timely manner.

SEC. 2. Section 11489 of the Health and Safety Code is amended to read:

11489. Notwithstanding Section 11502 and except as otherwise provided in Section 11473, in all cases where the property is seized pursuant to this chapter and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale shall be distributed by the state or local governmental entity as follows:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of their interest in the property, when the court declaring the forfeiture orders a distribution to that person.

(b) The balance, if any, to accumulate, and to be distributed and transferred quarterly in the following manner:

(1) To the state agency or local governmental entity for all expenditures made or incurred by it in connection with the sale of the property, including expenditures for any necessary costs of notice required by Section 11488.4, and for any necessary repairs, storage, or transportation of any property seized under this chapter.

(2) The remaining funds shall be distributed as follows:

(A) Sixty-five percent to the state, local, or state and local law enforcement entities that participated in the seizure distributed so as to reflect the proportionate contribution of each agency.

(i) Fifteen percent of the funds distributed pursuant to this subparagraph shall be deposited in a special fund maintained by the county, city, or city and county of any agency making the seizure or seeking an order for forfeiture. This fund shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity, and shall wherever possible involve educators, parents, community-based organizations and local businesses, and uniformed law enforcement officers. Those programs that have been evaluated as successful shall be given priority. These funds shall not be used to supplant any state or local funds that would, in the absence of this clause, otherwise be made available to the programs.

It is the intent of the Legislature to cause the development and continuation of positive intervention programs for high-risk elementary and secondary schoolage students. Local law enforcement should work in partnership with state and local agencies and the private sector in administering these programs.

(ii) The actual distribution of funds set aside pursuant to clause (i) is to be determined by a panel consisting of the sheriff of the county, a police chief selected by the other chiefs in the county, and the district attorney and the chief probation officer of the county.

(B) Ten percent to the prosecutorial agency that processes the forfeiture action.

(C) Twenty-four percent to the General Fund. Notwithstanding Section 13340 of the Government Code, the moneys are hereby continuously appropriated to the General Fund. Commencing January 1, 1995, all moneys deposited in the General Fund pursuant to this subparagraph, in an amount not to exceed ten million dollars (\$10,000,000), shall be made available for school safety and security, upon appropriation by the Legislature, and shall be disbursed pursuant to Senate Bill 1255 of the 1993–94 Regular Session, as enacted.

(D) One percent to the Environmental Enforcement and Training Account, established in Section 14303 of the Penal Code.

(c) Notwithstanding Item 0820-101-469 of the Budget Act of 1985 (Chapter 111 of the Statutes of 1985), all funds allocated to the Department of Justice pursuant to subparagraph (A) of paragraph (2) of subdivision (b) shall be deposited into the Department of Justice Special Deposit Fund–State Asset Forfeiture Account and used for the law enforcement efforts of the state or for state or local law enforcement efforts pursuant to Section 11493.

All funds allocated to the Department of Justice by the federal government under its Federal Asset Forfeiture program authorized by the Comprehensive Crime Control Act of 1984 may be deposited directly into the Narcotics Assistance and Relinquishment by Criminal Offender Fund and used for state and local law enforcement efforts pursuant to Section 11493.

Funds that are not deposited pursuant to the above paragraph shall be deposited into the Department of Justice Special Deposit Fund–Federal Asset Forfeiture Account.

(d) All the funds distributed to the state or local governmental entity pursuant to subparagraphs (A) and (B) of paragraph (2) of subdivision (b) shall not supplant any state or local funds that would, in the absence of this subdivision, be made available to support the law enforcement and prosecutorial efforts of these agencies.

The court shall order the forfeiture proceeds distributed to the state, local, or state and local governmental entities as provided in this section.

For the purposes of this section, “local governmental entity” means any city, county, or city and county in this state.

(e) This section shall become operative on January 1, 1994.

SEC. 3. Section 13821 of the Penal Code is amended to read:

13821. (a) For the 2011–12 fiscal year, the Controller shall allocate 9 percent of the amount deposited in the Local Law Enforcement Services Account in the Local Revenue Fund 2011 to the Office of Emergency Services. The Controller shall allocate these funds on a quarterly basis beginning on October 1. These funds shall be allocated by the Controller pursuant to a schedule provided by the Office of Emergency Services that shall be developed according to the office's existing programmatic guidelines and the following percentages:

(1) The California Multi-Jurisdictional Methamphetamine Enforcement Teams shall receive 47.52 percent in the 2011–12 fiscal year.

(2) The Multi-Agency Gang Enforcement Consortium shall receive 0.2 percent in the 2011–12 fiscal year.

(3) The Sexual Assault Felony Enforcement Teams, authorized by Section 13887, shall receive 12.48 percent in the 2011–12 fiscal year.

(4) The High Technology Theft Apprehension and Prosecution Program, authorized by Section 13848.2, shall receive 26.83 percent in the 2011–12 fiscal year.

(5) The Gang Violence Suppression Program authorized by Section 13826.1, shall receive 3.91 percent in the 2011–12 fiscal year.

(6) The Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06 percent in the 2011–12 fiscal year.

(b) For the 2011–12 fiscal year, the Office of Emergency Services may be reimbursed up to five hundred eleven thousand dollars (\$511,000) from the funds allocated in subdivision (a) for program administrative costs.

(c) Commencing with the 2012–13 fiscal year, subsequent to the allocation described in subdivision (c) of Section 29552 of the Government Code, and commencing with the 2013–14 fiscal year, subsequent to the allocation described in subdivision (d) of Section 29552 of the Government Code, the Controller shall allocate 8.99758189 percent of the remaining amount deposited in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 and shall distribute the moneys as follows:

(1) Commencing with the 2012–13 fiscal year, the California Multi-Jurisdictional Methamphetamine Enforcement Teams shall receive 47.52015636 percent and shall be allocated by the Controller according to the following schedule:

Alameda County	1.7109%
Alpine County	0.6327%
Amador County	0.6327%
Butte County	1.6666%
Calaveras County	0.8435%
Colusa County	0.1623%
Contra Costa County	1.3163%
Del Norte County	0.2167%
El Dorado County	1.3716%
Fresno County	5.3775%
Glenn County	0.2130%
Humboldt County	1.0198%
Imperial County	2.5510%
Inyo County	0.6327%
Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%
Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%
Orange County	1.5661%
Placer County	2.6395%
Plumas County	0.1516%
Riverside County	5.6395%
Sacramento County	10.0169%
San Benito County	0.8404%
San Bernardino County	8.9364%
San Diego County	2.5510%
San Francisco County	1.0034%
San Joaquin County	4.6394%
San Luis Obispo County	1.3483%

San Mateo County	1.1224%
Santa Barbara County	1.3483%
Santa Clara County	2.0612%
Santa Cruz County	0.8333%
Shasta County	1.3426%
Sierra County	0.0245%
Siskiyou County	0.3401%
Solano County	1.8979%
Sonoma County	1.1610%
Stanislaus County	3.6272%
Sutter County	0.7177%
Tehama County	0.4808%
Trinity County	0.1044%
Tulare County	2.5306%
Tuolumne County	0.6327%
Ventura County	1.3483%
Yolo County	1.5215%
Yuba County	0.5466%

(2) Commencing with the 2013–14 fiscal year, the California Multi-Jurisdictional Methamphetamine Enforcement Teams shall receive 47.52015636 percent and shall be allocated in monthly installments by the Controller according to the following schedule:

Alameda County	1.7109%
Alpine County	0.6327%
Amador County	0.6327%
Butte County	1.6666%
Calaveras County	0.8435%
Colusa County	0.1623%
Contra Costa County	1.3163%
Del Norte County	0.2167%
El Dorado County	1.3716%
Fresno County	5.3775%
Glenn County	0.2130%
Humboldt County	1.0198%
Imperial County	2.5510%
Inyo County	0.6327%
Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%

Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%
Orange County	1.5661%
Placer County	2.6395%
Plumas County	0.1516%
Riverside County	5.6395%
Sacramento County	10.0169%
San Benito County	0.8404%
San Bernardino County	8.9364%
San Diego County	2.5510%
San Francisco County	1.0034%
San Joaquin County	4.6394%
San Luis Obispo County	1.3483%
San Mateo County	1.1224%
Santa Barbara County	1.3483%
Santa Clara County	2.0612%
Santa Cruz County	0.8333%
Shasta County	1.3426%
Sierra County	0.0245%
Siskiyou County	0.3401%
Solano County	1.8979%
Sonoma County	1.1610%
Stanislaus County	3.6272%
Sutter County	0.7177%
Tehama County	0.4808%
Trinity County	0.1044%
Tulare County	2.5306%
Tuolumne County	0.6327%
Ventura County	1.3483%
Yolo County	1.5215%
Yuba County	0.5466%

(3) Commencing with the 2012–13 fiscal year, the Multi-Agency Gang Enforcement Consortium shall receive 0.19545566 percent and shall be allocated by the Controller to Fresno County.

(4) Commencing with the 2013–14 fiscal year, the Multi-Agency Gang Enforcement Consortium shall receive 0.19545566 percent and shall be allocated in monthly installments by the Controller to Fresno County.

(5) Commencing with the 2012–13 fiscal year, the Sexual Assault Felony Enforcement Teams, authorized by Section 13887, shall receive 12.48473003 percent and shall be allocated by the Controller according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

(6) Commencing with the 2013–14 fiscal year, the Sexual Assault Felony Enforcement Teams, authorized by Section 13887, shall receive 12.48473003 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

(7) Commencing with the 2012–13 fiscal year, the High Technology Theft Apprehension and Prosecution Program, authorized by Section 13848.2, shall receive 26.82628878 percent and shall be allocated by the Controller according to the following schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	7.00%
Marin County, for use by the California District Attorneys Association in implementing subdivision (b) of Section 13848.4	1.75%
Sacramento County	18.25%
San Diego County	18.25%
Santa Clara County	18.25%

(8) Commencing with the 2013–14 fiscal year, the High Technology Theft Apprehension and Prosecution Program, authorized by Section 13848.2, shall receive 26.82628878 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	8.75%
Sacramento County	18.25%

San Diego County	18.25%
Santa Clara County	18.25%

(9) Commencing with the 2012–13 fiscal year, the Gang Violence Suppression Program, authorized by Section 13826.1, shall receive 3.90911312 percent and shall be allocated by the Controller according to the following schedule:

Alameda County	9.6775%
Los Angeles County	22.5808%
Monterey County	9.6775%
Napa County	17.7417%
City of Oxnard	17.7417%
City of Sacramento	22.5808%

(10) Commencing with the 2013–14 fiscal year, the Gang Violence Suppression Program, authorized by Section 13826.1, shall receive 3.90911312 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Alameda County	9.6775%
Los Angeles County	22.5808%
Monterey County	9.6775%
Napa County	17.7417%
City of Oxnard	17.7417%
City of Sacramento	22.5808%

(11) Commencing with the 2012–13 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06425605 percent and shall be allocated by the Controller according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(12) Commencing with the 2013–14 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06425605 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%

Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(d) For any of the programs described in this section, funding will be distributed by local agencies as would otherwise have occurred pursuant to Section 1 of Chapter 13 of the Statutes of 2011, First Extraordinary Session.

SEC. 4. Section 13848.4 of the Penal Code is amended to read:

13848.4. (a) Moneys allocated for the High Technology Theft Apprehension and Prosecution Program pursuant to Section 13821 shall be expended to fund programs to enhance the capacity of local law enforcement and prosecutors to deter, investigate, and prosecute high technology related crimes. Funds shall be expended to fund programs to enhance the capacity of local law enforcement, state police, and local prosecutors to deter, investigate, and prosecute high technology related crimes. Any funds distributed under this chapter shall be expended for the exclusive purpose of deterring, investigating, and prosecuting high technology related crimes.

(b) The funds allocated to the Department of Justice pursuant to paragraph (8) of subdivision (c) of Section 13821 shall be used for developing and maintaining a statewide database on high technology crime for use in developing and distributing intelligence information to participating law enforcement agencies and for the purposes of establishing statewide programs of education, training, and research for public prosecutors, investigators, and law enforcement officers relating to deterring, investigating, and prosecuting high technology related crimes.

(c) Any regional task force receiving funds under this section may elect to have the Department of Justice administer the regional task force program. The department may be reimbursed for any expenditures incurred for administering a regional task force from funds given to local law enforcement pursuant to subdivision (b).

(d) No contract shall be entered into with the California District Attorneys Association for the purposes of financial and technical assistance pursuant to the High Technology Theft Apprehension and Prosecution Program authorized by Section 13848.2.

SEC. 5. Section 14300 of the Penal Code is amended to read:

14300. (a) The Legislature finds and declares all of the following:

- (1) The enforcement of California's environmental laws is essential to protect human health, the environment, and the state's economy.
- (2) Fair and uniform enforcement of laws and regulations governing the environment benefits law abiding businesses, firms, and individuals.
- (3) There is a need to better integrate enforcement of environmental laws into California's established criminal justice system.
- (4) Local and state enforcement agencies can play an increasingly important role in protecting human health, the environment, and the state's economy through greater involvement in the enforcement of environmental laws.
- (5) Community-based organizations play a critical role in ensuring that disadvantaged communities, low-income residents, and other populations that are disproportionately burdened by pollution receive the benefit of enforcement of the state's environmental laws and therefore need access to training and resources.
- (6) Enforcing environmental laws often requires special training to detect violations, understand complex laws, and prepare and present complicated enforcement cases.

(7) There is a need to support programs that assist local and state enforcement officials in enforcing environmental laws through the training of peace officers, investigators, firefighters, public prosecutors, city and county counsel, and state and local environmental regulators.

(8) Fair and uniform enforcement of environmental laws is multidisciplinary and involves law enforcement, fire departments, state and local environmental regulators, the offices of local and state public prosecutors, community-based and nonprofit organizations, and law schools.

(b) For purposes of this title, the following definitions shall apply:

(1) "Account" means the Environmental Enforcement and Training Account created pursuant to Section 14303.

(2) "Commission" means the Commission on Peace Officer Standards and Training.

(3) "Community-based organization" means an organization that engages directly and regularly with residents of identified communities or neighborhoods or that works to enforce environmental laws on behalf of disadvantaged communities, low-income residents, and other populations that are disproportionately burdened by pollution.

(4) "Agency" means the California Environmental Protection Agency.

(5) "Secretary" means the Agency Secretary for the California Environmental Protection Agency or their designee.

(6) "Environmental laws" means local, state, and federal environmental laws and regulations that impact public health and the environment, including, but not limited to, those that regulate toxic and carcinogenic materials, water quality, air quality, climate change, waste management, pesticides, noise, vibration, odors, and wildlife resources.

(7) "Public prosecutor" means district attorneys, city attorneys, city prosecutors, county counsels, and the Attorney General and their deputies.

(8) "Environmental regulator" means an employee of any state or local agency whose jurisdiction includes implementation, enforcement, or both implementation and enforcement of environmental laws.

(9) "Environmental enforcement" means the enforcement of environmental laws.

(c) This title shall be known and may be cited as the Environmental Enforcement and Training Act of 2002.

(d) It is the intent of the Legislature that the funds to implement this title, as specified in Section 14314, come from public and private contributions, from the proceeds of property seized and forfeited as set forth in Section 11489 of the Health and Safety Code, and from the proceeds from any contributed state or federal court judgments, and that no funds be expended from the General Fund, other than from the Environmental Enforcement and Training Account, or other funds appropriated to, or authorized for expenditure by, the agency, to implement this title. It is the intent of the Legislature that the funds to implement this title shall be expended only from the account. It is the intent of the Legislature that funding provided from the account shall supplement, not supplant existing funding.

SEC. 6. Section 14301 of the Penal Code is amended to read:

14301. (a) There is hereby established in the agency, a program of financial assistance to do all of the following:

(1) Provide for statewide education and training programs in the enforcement of environmental laws for peace officers, investigators, state and local environmental regulators, public prosecutors, and community-based organizations.

(2) Establish enhanced local environmental enforcement efforts.

(3) Provide that disadvantaged communities, low-income residents, and other populations that are disproportionately burdened by pollution receive the benefit of enforcement of local, state, and federal environmental laws.

(4) All funds made available to the agency for the purposes of this title shall be administered and distributed by the secretary.

(b) Not later than 12 months after the date when this title may be implemented, as specified in Section 14314, the secretary shall prepare and issue regulations, which shall, at a minimum, describe how grants are to be allocated or awarded pursuant to this title, the procedures for applying for these grants, the criteria to be used in determining which applications will be funded, and the administrative and fiscal requirements governing the receipt and expenditure of these grants.

(c) The secretary shall periodically, and at least annually, subject to a sufficient balance in the Environmental Enforcement and Training Account, issue requests for proposals for the allocation and award of funds to public agencies or private nonprofit organizations, except for the California District Attorneys Association, for purposes of supporting environmental enforcement

education and training programs for staff of community-based nonprofit organizations, peace officers, investigators, state and local environmental regulators, and public prosecutors pursuant to Chapter 2 (commencing with Section 14304) and Chapter 3 (commencing with Section 14306), which meet the criteria established pursuant to those chapters, and staff of community-based nonprofit organizations. To ensure that these programs are coordinated with existing peace officer training, the commission shall be consulted prior to the allocation of funds to peace officer education and training programs. The environmental enforcement education and training programs will be made available to staff of qualifying community-based nonprofit organizations on a no-cost basis.

(d) The secretary shall allocate and award funds to support the Environmental Circuit Prosecutor Grant Program pursuant to Chapter 4 (commencing with Section 14309) for the purpose of improving enforcement of environmental laws by enhancing the investigation and prosecution of violations of those laws.

(e) The secretary shall post notices of awards issued and grantee reports received on a designated public internet webpage.

SEC. 7. Section 14306 of the Penal Code is amended to read:

14306. (a) The secretary shall provide funding to qualified grantees to develop and implement, not later than 12 months after the receipt of funds, a course or courses of instruction for the training of staff of community-based nonprofit organizations or public prosecutors in the enforcement of state and local environmental laws.

(b) The course or courses of instruction shall, at a minimum, do all of the following:

- (1) Provide an understanding of the requirements of environmental laws.
- (2) Teach prosecution techniques that will facilitate prosecution of environmental law violations.
- (3) Provide environmental enforcement training materials.

(c) The secretary shall not award a grant to, or enter into a contract with, the California District Attorneys Association for development and implementation of courses of instruction pursuant to this section.

SEC. 8. Section 14307 of the Penal Code is amended to read:

14307. (a) The secretary shall provide funding to qualified grantees to develop and implement, not later than 12 months after the receipt of funds, a course or courses of instruction for the training of staff of community-based nonprofit organizations or investigators from the offices of public prosecutors, fire departments, and state and local environmental regulators.

(b) With the concurrence of the commission, peace officers may participate in the course or courses of training.

(c) The course or courses of instruction shall, at a minimum, do all of the following:

- (1) Provide an understanding of the requirements of environmental laws.
- (2) Teach enforcement investigative techniques that will facilitate the prosecution of environmental law violations.
- (3) Provide environmental enforcement training materials.

(d) The secretary shall not award a grant to, or enter into a contract with, the California District Attorneys Association for development and implementation of courses of instruction pursuant to this section.

SEC. 9. Section 14309 of the Penal Code is amended to read:

14309. (a) The Environmental Circuit Prosecutor Grant Program is hereby established within the California Environmental Protection Agency.

(b) The Environmental Circuit Prosecutor Grant Program shall have the following purposes:

- (1) Discourage the commission of violations of environmental laws by demonstrating the effective response of the criminal justice system to these violations, including, but not limited to, assisting district attorneys, particularly in rural counties, in the prosecution of criminal violations of environmental laws and regulations, where a district attorney has requested assistance.
- (2) Establish model environmental crime prevention, enforcement, and prosecution techniques with statewide application for fair, uniform, and effective application.
- (3) Increase the awareness and effectiveness of efforts to enforce environmental laws and to better integrate environmental prosecution into California's established criminal justice system by providing on the job education and training to local peace

officers and prosecutors and to local and state environmental regulators.

(4) Promote, through uniform and effective prosecution and local assistance, the effective enforcement of environmental laws and regulations.

(c) (1) The award of funds pursuant to this section may only be used to fund the costs of prosecutors, investigators, and research attorney staff, including salary, benefits, and expenses. The prosecutors, investigators, and research attorney staff may be either employees of a private nonprofit organization composed of local prosecutors, other than the California District Attorneys Association, or employees from local, state, or federal governmental agencies.

(2) The agency shall not award a grant to, or enter into a contract with, the California District Attorneys Association for the purpose of operating the Environmental Circuit Prosecutor Grant Program.

(d) (1) A district attorney may request funding from the Environmental Circuit Prosecutor Grant Program to fund a prosecutor, investigator, or research attorney who would be available in that county or another county for any of the following purposes:

(A) Assistance with the investigation and development of environmental cases.

(B) Consultation concerning whether an environmental case merits filing.

(C) Litigation support, including, but not limited to, the actual prosecution of the case. A district attorney shall, as appropriate, deputize a circuit prosecutor to prosecute cases within their jurisdiction.

(2) The authority of a deputized circuit prosecutor shall be consistent with and shall not exceed the authority of the elected district attorney or their deputies.

(3) Violations of city or county ordinances may be prosecuted by circuit prosecutors when there is an environmental nexus between the ordinance and a violation of state law, federal law, or both state and federal law.

(4) Participating district attorney offices shall provide matching funds or in-kind contributions equivalent to, but not less than, 20 percent of the expense of the deputized environmental circuit prosecutor.

SEC. 10. Section 14314 of the Penal Code is amended to read:

14314. Notwithstanding any other provision of this title, the agency shall not implement this title until there is an amount of one hundred thousand dollars (\$100,000) in the account.

Funds in the account shall be divided as follows:

(a) Twenty-five percent or one hundred thousand dollars (\$100,000) to the commission, whichever is less. The commission may decline all or part of the funds allocated to it pursuant to this subdivision. Any funds so declined shall be reallocated by the secretary to any of the entities listed in subdivisions (b), (c), and (d) for the training of peace officers consistent with this title.

(b) (1) The balance to the secretary for grants awarded to programs pursuant to Chapter 3 (commencing with Section 14306) or Chapter 4 (commencing with Section 14309) based on need or in order to sustain the current level of presence and enforcement for those programs.

(2) Notwithstanding paragraph (1), the commission may also seek additional funding from the money allocated in this subdivision based on need if the environmental law enforcement training is mandated or if there are substantial changes in the law that require the commission to revise its environmental law courses.

(c) The secretary shall develop an application process for awarding funds to programs pursuant to subdivision (b).

(d) The agency shall not award grants to, or enter into a contract with, the California District Attorneys Association for funding pursuant to this title.

SEC. 11. 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.