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CITY ATTORNEY'S OFFICE B I L L R E F E R R A L

STATIONED

1,1989



DATE: January 9, 1989 COMMITTEE ACTION: \_\_\_\_\_  
TO: City Manager DATE: \_\_\_\_\_  
Police Chief Kearns ✓  
FROM: KENNETH EMANUELS, LEGISLATIVE REPRESENTATIVE  
REPLY NO LATER THAN: Tuesday, January 24, 1989

A.B. 43 S.B. \_\_\_\_\_ Relating to crimes; appropriation

STATUS:

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Kenneth Emanuels at 442-0412. This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. Att'n., Judy

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

Provides financing for multi-agency City/County Gang Task Forces throughout the state to monitor gang members and requires the L.A. District Attorney to monitor gang members on probation for expeditious adjudication of probation violations.

2. Should this measure be: (Please circle desired position)

- Supported
- Opposed
- Supported if Amended
- Placed on Watch List
- Other (explain)

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure to the City. Please make your comments in a format that can be used in a letter to State officials. (Continue on next page or attach additional sheets if necessary.)

We are currently funding a narcotics/Gang Task Force on a temporary basis. This bill may assist in providing permanent funding for the Task Force.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

Provide minimum and maximum funding for all jurisdictions with Gang/Narcotic problems. This would prevent the major jurisdictions (Los Angeles and San Diego) from usurping the major portion of the funding.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

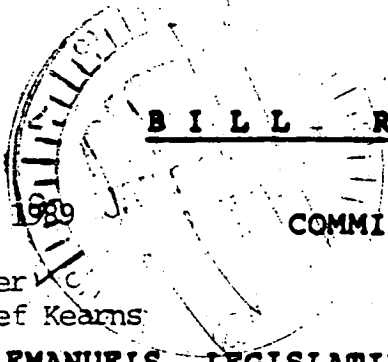
Support CPOA

7. Does this bill involve a State-mandated local program? If so, does the bill contain an S.B. 90 waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

Appropriation of 6.55 million.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento?

10



B I L L - R E F E R R A L

CITY MANAGER'S OFFICE

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Police Chief Kearns

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If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. Attn., Judy

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary). The bill would require the executive director of the Office of Criminal Justice Planning to allocate and award funds, as specified, to local governments in which multiagency task forces are established.

This bill would also require the Los Angeles County District Attorney, pursuant to guidelines established by the Office of Criminal Justice Planning, among other things, to identify and monitor street gang members who have been placed on probation and to implement a program for the expeditious adjudication of probation violations.

2. Should this measure be: (Please circle desired position)

- Supported
- Opposed
- Supported if Amended
- Placed on Watch List
- Other (explain)

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure to the City. Please make your comments in a format that can be used in a letter to State officials. (Continue on next page or attach additional sheets if necessary.)

The City of Sacramento and the County of Sacramento currently participate in a multiagency task force team administered by OCJP. (C.R.I.P.S. Team) Crack, Rock, Impact Program Sacramento. This task force team was created specifically to combat the Gang/Rock cocaine connection in Sacramento. The C.R.I.P.S. program has been very successful in the Sacramento area. The City of Sacramento would support other programs, such as this bill, designed to combat violent gang related crime and

narcotic trafficking.

AB43 will have no negative fiscal impact on the City of Sacramento.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

None known.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

7. Does this bill involve a State-mandated local program? If so, does the bill contain an S.B. 90 waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

There would be no State mandated local programs for Sacramento as this bill is currently written.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento?

10

**ASSEMBLY BILL**

500 (2)  
**No. 43**

**Introduced by Assembly Member Elder**

December 5, 1988

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An act to add Title 9 (commencing with Section 14000) to Part 4 of the Penal Code, relating to crimes, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 43, as introduced, Elder. Crimes.

Existing law contains various programs and projects administered by the Office of Criminal Justice Planning intended to deter crime, as specified.

This bill would provide, as specified, for a Multiagency Anticrime Task Force Program and a Multiagency Anticrime Task Force Advisory Committee. The bill would require the executive director of the Office of Criminal Justice Planning to allocate and award funds, as specified, to local governments in which multiagency task forces are established. The program would be administered by the Office of Criminal Justice Planning, and would provide for reports to the Legislature, as specified.

This bill would also require the Los Angeles County District Attorney, pursuant to guidelines established by the Office of Criminal Justice Planning, among other things, to identify and monitor street gang members who have been placed on probation and to implement a program for the expeditious adjudication of probation violations. These provisions would constitute a state-mandated local program by increasing the responsibilities and costs of a local agency.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions provide a procedure for

paying this reimbursement and require any statute mandating these costs to specify that reimbursement shall be made from the State Mandates Claims Fund for these costs. Notwithstanding the above procedure, however, this bill would appropriate \$6,550,000, for purposes of the act, as specified.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Title 9 (commencing with Section  
2 14000) is added to Part 4 of the Penal Code, to read:

3

4 TITLE 9. MULTIAGENCY ANTICRIME TASK  
5 FORCE PROGRAM  
6

7 14000. (a) The Legislature hereby finds that a  
8 substantial amount of violent crime is committed against  
9 the people of California by gangs.

10 (b) The Legislature further finds and declares that  
11 additional efforts to combat drug abuse and narcotics  
12 trafficking are needed in California. The Legislature also  
13 finds that perpetrators of serious and violent crimes do  
14 not respect geographic or political subdivision  
15 boundaries. These perpetrators tend to commit similar  
16 offenses in multiple jurisdictions. Therefore, the  
17 Legislature intends to support multiagency law  
18 enforcement task forces and related prosecution efforts  
19 to combat serious and violent gang-related crime and  
20 narcotics trafficking.

21 (c) In enacting this title, the Legislature intends to  
22 support increased efforts by local law enforcement and  
23 prosecution agencies to identify and apprehend for  
24 prosecution repeat felony offenders and perpetrators of  
25 gang violence and narcotics trafficking through  
26 organizational and operational techniques that have  
27 been proven effective in selected cities and counties in  
28 this and other states.

29 14001. There is hereby established in the Office of

A

1 Criminal Justice Planning a program of financial and  
 2 technical assistance for local law enforcement agencies,  
 3 designated the Multiagency Anticrime Task Force  
 4 Program. All funds available to the Office of Criminal  
 5 Justice Planning for the purposes of this title shall be  
 6 administered and disbursed by the executive director of  
 7 the office after consultation with the Multiagency  
 8 Anticrime Task Force Advisory Committee.

9 14002. Within 60 days after the operative date of this  
 10 title, the executive director shall allocate and award funds  
 11 to cities, counties, and cities and counties in which  
 12 multiagency anticrime task forces are established in  
 13 substantial compliance with the policies and criteria set  
 14 forth in this title. The highest funding priority shall be  
 15 given to cities, counties, and cities and counties, and  
 16 combinations thereof, which are reporting the greatest  
 17 occurrences of gang-related violent crime.

18 14003. The allocation and award of funds shall be  
 19 made on the application of the sheriff of the county and  
 20 with the approval of the board of supervisors, or the chief  
 21 of police of the city with the approval of the city council.  
 22 Funds disbursed under this title shall not supplant local  
 23 funds that would, in the absence of the Multiagency  
 24 Anticrime Task Force Program, be made available to  
 25 support anticrime efforts.

26 14004. Within 30 days after the operative date of this  
 27 title, the executive director shall prepare and issue  
 28 written program and administrative guidelines and  
 29 procedures for the Multiagency Anticrime Task Force  
 30 Program, consistent with this title. In addition to all other  
 31 formal requirements that may apply to the enactment of  
 32 the guidelines and procedures, a complete and final draft  
 33 of the guidelines and procedures shall also be submitted  
 34 to the chairpersons of the Public Safety Committee of the  
 35 Assembly and the Judiciary Committee of the Senate.

36 14005. Annually, commencing on November 1, 1990,  
 37 the executive director shall prepare a report to the  
 38 Legislature describing in detail the operation of the  
 39 statewide program and the results obtained by programs  
 40 operating under the Multiagency Anticrime Task Force

b

1 Program and receiving funds under this title and under  
2 comparable federally financed awards.

3 14006. Criteria for selection of multiagency programs  
4 to receive funding shall be developed in consultation  
5 with the Multiagency Anticrime Task Force Advisory  
6 Committee, which shall consist of the following eight  
7 members:

8 (a) Two district attorneys, one each appointed by the  
9 Governor and the Speaker of the Assembly.

10 (b) Three chiefs of police, one each appointed by the  
11 Governor, the Speaker of the Assembly, and the Senate  
12 Rules Committee.

13 (c) Two sheriffs, one each appointed by the Governor  
14 and the Senate Rules Committee.

15 (d) One member from the Department of Justice  
16 appointed by the Attorney General.

17 14007. Programs receiving funds under the  
18 Multiagency Anticrime Task Force Program and  
19 pursuant to this title shall concentrate enhanced  
20 enforcement resources upon drug-involved offenders or  
21 those involved in narcotics trafficking and gang-related  
22 violent crime.

23 14008. Pursuant to guidelines established by the  
24 Office of Criminal Justice Planning, the Los Angeles  
25 County District Attorney shall do all of the following:

26 (1) Identify persons previously convicted of  
27 misdemeanors and felonies and who are members of  
28 street gangs and who have been placed on probation.

29 (2) Establish a method for monitoring gang members  
30 who have been placed on misdemeanor or felony  
31 probation.

32 (3) Establish criteria for filing a petition alleging a  
33 violation of probation in lieu of filing a new criminal  
34 charge against a previously convicted street gang  
35 member who is subsequently arrested.

36 (4) Establish procedures for expeditiously processing  
37 probation violations in coordination with law  
38 enforcement, the courts, and the Department of  
39 Probation.

40 (5) Implement a program directed at the expeditious



1 adjudication of probation violation hearings.  
2 SEC. 2. Notwithstanding Chapter 4 (commencing  
3 with Section 17550) of Part 7 of Division 2 of Title 2 of the  
4 Government Code, the sum of six million five hundred  
5 fifty thousand dollars (\$6,550,000) is hereby appropriated  
6 from the General Fund for purposes of this act, as follows:  
7 (a) Six million dollars (\$6,000,000) for purposes  
8 specified in Section 14004 of the Penal Code.  
9 (b) Five hundred fifty thousand dollars (\$550,000) for  
10 the purposes specified in Section 14008 of the Penal Code.