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MAY 20 1991

City Attorney's Office

City of Sacramento
State Legislature

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



DATE: MAR 26 1991 COMMITTEE ACTION: _____

TO: Chief Kearns, Police DATE: _____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: APR 9 1991

A.B. _____, As Amended _____ * Author _____

S.B. 1169, As Amended - * Author L. Greene

*Date of introduction or latest amendment

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 Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) 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.

NO RECOMMENDATION. 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. _____.

PLEASE TYPE YOUR RESPONSE

- Briefly describe the provisions of the bill (attach additional sheets if necessary). Would establish Gang Risk Intervention Pilot Program in Sacramento and Alameda Counties. Would appropriate 500,000 for each program from ASSET SEIZURE FUNDS prior to distribution of any funds to local governments until 1994, funds available to local law enforcement will be cut. Currently law enforcement gets 85% of 90% of the asset seizure funds after expenses incurred in seizing property and after any legitimate liens against property. The remaining 10% reverts to the ASSET SEIZURE FUND
- This measure should be: (Please circle desired position) (over)

Supported

Opposed

Supported if Amended

Placed on Watch List

Other (explain)

- Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure on 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.)

(Continue answer to Question No. 1 ~~XX~~ here) for administration by OCJP for distribution to State Department of Mental Health and Gang Risk Intervention Program administered by Los Angeles office of Education. This Bill would change the distribution of funds by lowering the amounts received by local law enforcement jurisdiction.

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

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: No position.

California Peace Officers Association - Opposed.

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231? No.

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? 9

FORM COMPLETED BY: Claudia Strazzo

DATE: 5-16-91

Introduced by Senator Leroy Greene

March 8, 1991

An act to amend Section 11489 of the Health and Safety Code, and to amend Section 16 of Chapter 1492 of the Statutes of 1988, relating to gang violence intervention programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1169, as introduced, L. Greene. Education: gang violence intervention programs.

Existing law establishes a statewide system of free public education provided by elementary and secondary schools in local school districts and regulated by the State Board of Education and the State Department of Education.

This bill would make certain findings and declarations concerning gang violence and declare the intent to develop a program to provide positive interventions in the schools to fight gang violence.

This bill would require the State Department of Education to contract with the Alameda and Sacramento County offices of education for the development, administration, and implementation in Alameda and Sacramento Counties of community-based Gang Risk Intervention Pilot Programs. The Alameda and Sacramento County offices of education, upon their election to enter into the contract, would be required, among other responsibilities, to institute a prescribed request for proposals and a competitive bidding process, in order to select private nonprofit organizations, and public entities which apply jointly with individual schools, as grantees of state funds, as specified, for the purpose of operating these programs, with the voluntary cooperation of public schools, as specified, within Alameda and Sacramento Counties in kindergarten and grades 1 to 12, inclusive. The programs would be required to include specified counseling,

community activities, and job training. The bill would make findings of unique circumstances surrounding its provisions.

Existing law requires that, in all cases where property is seized pursuant to specified provisions of existing law governing controlled substances 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 be distributed by the state or local governmental entity to the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person. The balance is required to be distributed by the state or local governmental entity pursuant to a specified schedule.

The bill would also make available for appropriation from that fund \$500,000 for the Alameda County Office of Education and \$500,000 for the Sacramento County Office of Education for each of fiscal years 1992-93, 1993-94, and 1994-95 for the purposes of this act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares that
- 2 gang violence has caused a tremendous strain on the
- 3 progress of the communities impacted. The loss of life,
- 4 property, and positive opportunity for growth caused by
- 5 gang violence has reached an intolerable level.
- 6 The Legislature further finds and declares that youth
- 7 gang violence can be effectively reduced in California
- 8 schools through the involvement of parents, teachers,
- 9 school administrators, community organizations, and
- 10 individuals with a firsthand knowledge of the problem.
- 11 The Legislature further finds and declares that a strong
- 12 and consistent relationship between the home and
- 13 schools would facilitate the learning process and
- 14 inevitably help control problems associated with gang
- 15 violence.

1 SEC. 2. It is the intent of the Legislature to cause the
2 development of positive intervention pilot programs for
3 elementary and secondary school students in Alameda
4 and Sacramento Counties, through cooperation between
5 individual schools and existing organizations in
6 communities. It is also the intent of the Legislature that,
7 if the intervention pilot programs in Alameda and
8 Sacramento Counties are determined to be effective in
9 reducing problems associated with gang violence, other
10 counties in the state be eligible to receive special state
11 funding to establish similar positive intervention
12 programs.

13 SEC. 3. Unless the context otherwise requires, the
14 following definitions shall apply for the purposes of this
15 act:

16 (a) "School" means any public school within Alameda
17 or Sacramento Counties, maintaining kindergarten and
18 grades 1 to 12, inclusive.

19 (1) The public school shall be located in an urban
20 district with a total average daily attendance of at least
21 45,000.

22 (2) The district shall have an ethnic composition of at
23 least 60 percent.

24 (3) The district shall have a dropout rate that exceeds
25 25 percent.

26 (b) "Private nonprofit organization" means any
27 organization registered as a private nonprofit
28 organization with the Secretary of State.

29 (c) "Gang Risk Intervention Pilot Program" means a
30 community-based positive intervention program for
31 elementary and high school pupils directed at all of the
32 following:

33 (1) Reducing the probability of youth involvement in
34 gang activities and consequent violence.

35 (2) Establishing ties, at an early age, between youth
36 and community organizations.

37 (3) Committing local business and community
38 resources to positive programming for youth.

39 SEC. 4. The State Department of Education shall
40 contract with the Alameda County Office of Education

1 and the Sacramento County Office of Education for the
2 development, administration, and implementation in
3 Alameda County and Sacramento County of
4 community-based Gang Risk Intervention Pilot
5 Programs (GRIPP). The programs may be established in
6 incorporated or unincorporated territory of the counties,
7 or both.

8 SEC. 5. (a) The Alameda County and Sacramento
9 County offices of education may request and review
10 proposals for, and award grants to, private nonprofit
11 organizations, and public entities that apply jointly with
12 individual schools, for the purpose of establishing a Gang
13 Risk Intervention Pilot Program.

14 (b) The Alameda County Office of Education and the
15 Sacramento County Office of Education, upon their
16 election to enter into contracts pursuant to Section 4 of
17 this act, shall, no later than March 1, 1992, distribute a
18 standard request for proposal and select Gang Risk
19 Intervention Pilot Programs to receive grants through a
20 competitive bidding process. Proposals to the Alameda
21 County Office of Education and the Sacramento County
22 Office of Education for Gang Risk Intervention Pilot
23 Program grant funding shall commence no earlier than
24 the 1992-93 school year, for a duration of two years, and
25 shall include all of the following:

26 (1) A description of the program goals, activities, and
27 curriculum. The description of the program goals shall
28 include a list of measurable objectives for the purpose of
29 evaluation by the Alameda County Office of Education
30 and the Sacramento County Office of Education. To the
31 extent possible, proposals shall contain empirical data on
32 current problems, including dropout rates and
33 occurrences of violence on and off campus by school-age
34 individuals.

35 (2) A description of the individual school or schools
36 and the geographic area to be affected by the program.

37 (3) A demonstration of broad-based support for the
38 program from business and community organizations.

39 (4) A clear description of the experience, expertise,
40 and other qualifications of the private nonprofit agencies

1 to conduct an effective intervention program in
2 cooperation with a school or a group of schools.

3 (5) A proposed budget for expenditure of the grant.

4 (c) The offices shall additionally monitor and evaluate
5 the Gang Risk Intervention Pilot Programs pursuant to
6 the following criteria:

7 (1) Success in obtaining stated goals.

8 (2) Reduction in dropout rates.

9 (3) Reduction in violence among students, on and off
10 campus.

11 (4) Development of techniques for early
12 identification of at-risk youth.

13 For the purposes of evaluating the programs, the
14 offices shall, to the extent feasible, compare the data
15 submitted by each applicant pursuant to paragraph (1) of
16 subdivision (b) with comparable data collected after the
17 intervention pilot program has been implemented to
18 determine the effectiveness of the program in slowing
19 down and, to the extent possible, reversing the trends of
20 problems, including increased dropout rates and violence
21 on and off campus.

22 SEC. 6. (a) Gang Risk Intervention Pilot Programs
23 (GRIPP), funded by grants awarded by the Alameda
24 County Office of Education and the Sacramento County
25 Office of Education, shall be initiated at the local level
26 through voluntary cooperation between a local school, or
27 group of schools, and a private nonprofit
28 community-based organization or organizations, and
29 shall place at each school, or group of schools, a
30 community organizer to be selected by the private
31 nonprofit organization or organizations involved.

32 (b) Gang Risk Intervention Pilot Programs shall
33 include, but are not limited to:

34 (1) Counseling for targeted at-risk students, parents,
35 and families, individually and collectively.

36 (2) Exposure to positive sports and cultural activities,
37 promoting affiliations between youth and the local
38 community.

39 (3) Job training, which may include apprentice
40 programs in coordination with local businesses, job skills

1 development at the school, or information about
2 vocational opportunities in the community.

3 (4) Positive interaction with local law enforcement
4 personnel.

5 (c) Grants for Gang Risk Intervention Pilot Programs
6 (GRIPP) awarded by the Alameda County Office of
7 Education and the Sacramento County Office of
8 Education shall not exceed one hundred thousand dollars
9 (\$100,000) per individual proposal.

10 SEC. 7. Section 11489 of the Health and Safety Code,
11 as amended by Chapter 1195 of the Statutes of 1989, is
12 amended to read:

13 11489. Notwithstanding Section 11502 and except as
14 otherwise provided in Sections 11473, 11473.2, and
15 11473.3, in all cases where the property is seized pursuant
16 to this chapter and forfeited to the state or local
17 governmental entity and, where necessary, sold by the
18 Department of General Services or local governmental
19 entity, the money forfeited or the proceeds of sale, and
20 any interest accrued thereon, shall be distributed by the
21 state or local governmental entity as follows:

22 (a) To the bona fide or innocent purchaser or
23 encumbrancer, conditional sales vendor, or mortgagee of
24 the property, if any, up to the amount of his or her
25 interest in the property, when the court declaring the
26 forfeiture orders a distribution to that person.

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

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

36 (2) Ninety percent of the balance shall be distributed
37 as follows:

38 (A) Eighty-five percent to the state or local or to the
39 state and local law enforcement agencies that
40 participated in the seizure, allocated between them to

1 reflect the proportionate contribution of each agency.

2 (B) Fifteen percent to the prosecutorial agency which
3 processes the forfeiture action.

4 (3) Ten percent of the balance for deposit in the Asset
5 Forfeiture Distribution Fund, which is hereby created,
6 and which shall be administered by the Office of
7 Criminal Justice Planning.

8 (A) Notwithstanding Section 11340 of the
9 Government Code, one million five hundred thousand
10 dollars (\$1,500,000) is hereby continuously appropriated
11 each fiscal year, as adjusted annually by the state and local
12 implicit price deflator, to the State Department of Mental
13 Health for the purposes of Chapter 6 (commencing with
14 Section 5475) of Part 1 of Division 5 of the Welfare and
15 Institutions Code. This subparagraph shall be funded
16 prior to funding subparagraph (B).

17 (B) After the obligation specified in subparagraph (A)
18 is satisfied, moneys in the Asset Forfeiture Distribution
19 Fund are available for appropriation in the annual
20 Budget Act for the following purposes:

21 (i) ~~One million dollars (\$1,000,000), in 1989 and 1990~~
22 ~~only, to the Los Angeles County Office of Education to~~
23 ~~fund grants and administer the Gang Risk Intervention~~
24 ~~Pilot Program as established pursuant to Assembly Bill~~
25 ~~3723 of the 1987/88 Regular Session of the Legislature.~~
26 ~~This clause (i) shall be funded prior to funding clauses~~
27 ~~(ii) and (iii). This clause (i) shall remain operative only~~
28 ~~until January 1, 1991, and as of that date is inoperative.~~
29 ~~Five hundred thousand dollars (\$500,000) to the Alameda~~
30 ~~County Office of Education and five hundred thousand~~
31 ~~dollars (\$500,000) to the Sacramento County Office of~~
32 ~~Education each year for fiscal years 1992-93 and 1993-94~~
33 ~~to fund grants and administer the Gang Risk Intervention~~
34 ~~Pilot Program as established pursuant to Senate Bill~~
35 ~~_____ of the 1991-92 Regular Session of the~~
36 ~~Legislature. This clause shall be funded prior to funding~~
37 ~~clauses (ii) and (iii).~~

38 (ii) An amount not to exceed 5 percent of the Asset
39 Forfeiture Distribution Fund to cover administrative
40 costs incurred by the Office of Criminal Justice Planning.

1 Notwithstanding Section 16305.7 of the Government
2 Code, any interest earned or other increment derived
3 from investments made from moneys in the Assets
4 Forfeiture Distribution Fund shall be deposited in the
5 Asset Forfeiture Distribution Fund. This clause (ii) shall
6 be funded prior to funding clause (iii).

7 (iii) The balance, if any, remaining shall be
8 distributed, as follows:

9 (I) Eighty-five percent for deposit in the Peace
10 Officers' Training Fund as set forth in Section 13520 of the
11 Penal Code. State agencies shall be entitled to allocations
12 out of the funds generated by this section, in the same
13 manner as provided in Section 13523 of the Penal Code,
14 for drug related training provided to full-time
15 regularly-paid peace officers employed by the state, to
16 the extent that there are funds in the Peace Officers'
17 Training Fund generated by this section.

18 (II) Fifteen percent for financial assistance to provide
19 for a statewide program of education, training, and
20 research for local public prosecutors, which shall be
21 administered by a private nonprofit organization
22 composed of local prosecutors and which provides
23 statewide education, training, and research.

24 (c) Notwithstanding Item 0820-101-469 of the Budget
25 Act of 1985 (Chapter 111 of the Statutes of 1985), all funds
26 allocated to the Department of Justice pursuant to
27 subparagraph (A) of paragraph (3) of subdivision (b)
28 shall be deposited into the Department of Justice Special
29 Deposit Fund—State Asset Forfeiture Account and used
30 for the law enforcement efforts of the state or for state or
31 local law enforcement efforts pursuant to Section 11493.

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

39 Funds which are not deposited pursuant to the above
40 paragraph shall be deposited into the Department of

1 Justice Special Deposit Fund-Federal Asset Forfeiture
2 Account.

3 (d) All the funds distributed pursuant to paragraph
4 (3) of subdivision (b) shall not supplant any state or local
5 funds that would, in the absence of this subdivision, be
6 made available to support the law enforcement and
7 prosecutorial efforts of these agencies. Funds so
8 distributed shall be used by the law enforcement and
9 prosecutorial agencies exclusively to support law
10 enforcement and prosecutorial efforts of those agencies.

11 The court shall order the forfeiture proceeds
12 distributed to the state, local, or state and local agencies
13 as provided in this section.

14 All proceeds from forfeiture proceedings completed
15 after January 1, 1989, shall be distributed in accordance
16 with this section.

17 *This section shall remain in effect until January 1, 1994,*
18 *and as of that date is repealed.*

19 SEC. 8. Section 11489 of the Health and Safety Code,
20 as amended by Chapter 924 of the Statutes of 1987, is
21 amended to read:

22 11489. Notwithstanding Section 11502 and except as
23 otherwise provided in Sections 11473 and 11473.2, in all
24 cases where the property is seized pursuant to this
25 chapter and forfeited to the state or local governmental
26 entity and, where necessary, sold by the Department of
27 General Services or local governmental entity, the
28 money forfeited or the proceeds of sale shall be
29 distributed by the state or local governmental entity as
30 follows:

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

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

39 (1) To the state agency or local governmental entity
40 for all expenditures made or incurred by it in connection

1 with the sale of the property, including expenditures for
2 any necessary repairs, storage, or transportation of any
3 property seized under this chapter.

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

6 (A) For fiscal years 1993-94 and 1994-95 only, five
7 hundred thousand dollars (\$500,000) to the Alameda
8 County Office of Education and five hundred thousand
9 dollars (\$500,000) to the Sacramento County Office of
10 Education each year to fund grants and administer the
11 Gang Risk Intervention Pilot Program as established
12 pursuant to Senate Bill _____ of the 1991-92 Regular
13 Session of the Legislature. This subparagraph shall be
14 funded prior to subparagraph (B) for fiscal years 1993-94
15 and 1994-95 only.

16 (B) The remaining funds shall be distributed as
17 follows:

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

22 ~~(B)~~

23 (ii) Ten percent to the prosecutorial agency which
24 processes the forfeiture action.

25 ~~(C)~~

26 (iii) Twenty percent to the State Department of
27 Mental Health for deposit in the Mental Health Primary
28 Prevention Fund for primary prevention programs in
29 accordance with Chapter 1083 of the Statutes of 1981.
30 There is hereby created in the State Treasury the Mental
31 Health Primary Prevention Fund. Notwithstanding
32 Section 13340 of the Government Code, the moneys in
33 the Mental Health Primary Prevention Fund are hereby
34 continuously appropriated to the State Department of
35 Mental Health to expend for primary prevention
36 programs in accordance with Chapter 6 (commencing
37 with Section 5475) of Part 1 of Division 5 of the Welfare
38 and Institutions Code. Expenditures may include
39 administrative costs incurred by the department. These
40 administrative costs are not to exceed 5 percent of the

1 fund. Notwithstanding the provisions of Section 16305.7
2 of the Government Code, any interest earned or other
3 increment derived from investments made from moneys
4 in the fund shall be deposited in the Mental Health
5 Primary Prevention Fund.

6 ~~(D)~~
7 (iv) Five percent to eligible nonprofit organizations
8 established for the purposes of aiding those seizures and
9 forfeitures. Moneys shall be used to fund the operations
10 of those organizations where it has been determined that
11 information provided by the organization resulted in the
12 seizure of these funds. In all other instances these moneys
13 shall be deposited into the Narcotics Assistance and
14 Relinquishment by Criminal Offenders Fund. The
15 eligibility criteria and amount of funds to be allocated
16 under this ~~subparagraph clause~~ shall be determined by
17 each county pursuant to county ordinance.

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

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

34 Funds which are not deposited pursuant to the above
35 paragraph shall be deposited into the Department of
36 Justice Special Deposit Fund-Federal Asset Forfeiture
37 Account.

38 (d) All the funds distributed to the state or local
39 governmental entity pursuant to *clauses (i) and (ii) of*
40 ~~subparagraphs (A) and subparagraph (B)~~ of paragraph

1 (2) of subdivision (b) shall not supplant any state or local
2 funds that would, in the absence of this subdivision, be
3 made available to support the law enforcement and
4 prosecutorial efforts of these agencies.

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

8 For the purposes of this section, "local governmental
9 entity" means any city, county, or city and county in this
10 state.

11 All property seized and all proceeds from the sale of
12 property seized pursuant to this chapter prior to October
13 2, 1985, shall be distributed in accordance with the
14 provisions of this section.

15 *This section shall become operative on January 1, 1994.*

16 SEC. 9. Section 16 of Chapter 1492 of the Statutes of
17 1988 is amended to read:

18 Sec. 16. The provisions of the Health and Safety Code
19 amended by this act, *except Section 11489 of that code*,
20 shall remain in effect only until January 1, 1994, at which
21 time those sections as they read on December 31, 1988,
22 shall have the same force and effect as if they had not
23 been amended.

24 SEC. 10. The Alameda County Office of Education
25 and the Sacramento County Office of Education shall not
26 be required to grant any funds in excess of amounts
27 received for this purpose.

28 SEC. 11. Due to the unique circumstances
29 concerning the need to receive appropriate information
30 in order to develop a statewide gang violence
31 intervention policy and program, the Legislature finds
32 and declares that a general statute cannot be made
33 applicable within the meaning of Section 16 of Article IV
34 of the California Constitution. The Legislature further
35 finds and declares that there are significant and diverse
36 gang violence problems in Alameda County and
37 Sacramento County, and that Alameda County and
38 Sacramento County are therefore appropriate locations
39 from which to gather information and develop a pilot
40 program pursuant to this act.

O