



CITY OF SACRAMENTO

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DEPARTMENT OF POLICE

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JOHN P. KEARNS
CHIEF OF POLICE

July 15, 1986

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: REQUEST FOR OPPOSITION OF ASSEMBLY BILL 3945

SUMMARY:

AB 3945 establishes a new account in the penalty assessment fund, which is derived from assessments levied on every fine, penalty, or forfeiture imposed or collected by the courts for criminal offenses, including vehicle code offenses. The bill permits two State programs for the first time to draw approximately \$15,000,000.00 from the penalty assessment fund.

BACKGROUND:

Existing law provides for the distribution of moneys in the Assessment Fund, 29.73% thereof going to the Driver Training Penalty Assessment Fund each month.

This bill would reduce the percentage of moneys in the Assessment Fund allocable monthly to the Driver Training Penalty Assessment Fund from 29.73% to 15.35%, with 12.30% going monthly to the State Corrections Training Fund created by the act, and 2.08% going monthly to the Corrections Research Fund created by the act. The Corrections Research Fund would be continuously appropriated, as specified. The bill would also rename the Corrections Training Fund as the Local Corrections Training Fund.

Existing law establishes the Youth and Adult Correctional Agency and specifies the departments thereunder, including the Board of Corrections, and the powers and duties of those departments.

This bill would establish in the Youth and Adult Correctional Agency of California Corrections Institute, to be funded by the Corrections Research Fund, and would specify the powers and duties thereof.

This bill would also require the Board of Corrections to adopt regulations governing the standards and training of state youth and correctional personnel, as specified, and would require the board to allocate, and the Treasurer to pay from the State Corrections Training

July 15, 1986

Fund created by the act, to departments which have applied to the board and qualified for assistance, amounts determined by the board pursuant to its regulations.

RECOMMENDATION:

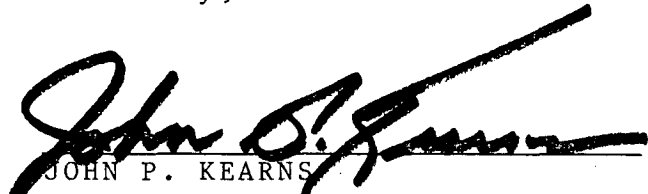
I anticipate this bill will create a precedent for the California Highway Patrol and the State Police to also demand a equal share next year.

I am opposed to AB 3945 because current P.O.S.T. reimbursement to the city police departments is not fully sufficient today. For certain courses local agency employers are reimbursed for only 50-75% of salary costs and, of course, for many courses P.O.S.T. reimbursement covers only out-of-pocket costs. In addition, driver training is continually underfunded.

Present P.O.S.T. funding will be jeopardized by AB 3945 when this local training funding source is opened up to state agencies.

I am requesting the Law and Legislation Committee oppose this legislation by corresponding with our elected representatives, and request they vote against AB 3945.

Sincerely,


JOHN P. KEARNS
CHIEF OF POLICE

JPK:ema

Ref: 7-52

ASSEMBLY BILL

No. 3945

Introduced by Assembly Member Sher

February 21, 1986

An act to amend Sections 1464, 6040, and 6042 of, and to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3, of and to add Chapter 3.5 (commencing with Section 5085) to Title 7 of Part 3 of, the Penal Code, relating to correctional research and training, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3945, as introduced, Sher. Correctional training and research.

(1) Existing law provides for the distribution of moneys in the Assessment Fund, 29.73% thereof going to the Driver Training Penalty Assessment Fund each month.

This bill would reduce the percentage of moneys in the Assessment Fund allocable monthly to the Driver Training Penalty Assessment Fund from 29.73% to 15.35%, with 12.30% going monthly to the State Corrections Training Fund created by the act, and 2.08% going monthly to the Corrections Research Fund created by the act. The Corrections Research Fund would be continuously appropriated, as specified. The bill would also rename the Corrections Training Fund as the Local Corrections Training Fund.

(2) Existing law establishes the Youth and Adult Correctional Agency and specifies the departments thereunder, including the Board of Corrections, and the powers and duties of those departments.

This bill would establish in the Youth and Adult Correctional Agency the California Corrections Institute, to

be funded by the Corrections Research Fund, and would specify the powers and duties thereof.

This bill would also require the Board of Corrections to adopt regulations governing the standards and training of state youth and correctional personnel, as specified, and would require the board to allocate, and the Treasurer to pay from the State Corrections Training Fund created by the act, to departments which have applied to the board and qualified for assistance, amounts determined by the board pursuant to its regulations.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 1464 of the Penal Code is
2 amended to read:

3 1464. (a) Subject to the provisions of Section 76000 of
4 the Government Code, there shall be levied an
5 assessment in an amount equal to five dollars (\$5) for
6 every ten dollars (\$10) or fraction thereof, upon every
7 fine, penalty, or forfeiture imposed and collected by the
8 courts for criminal offenses, including all offenses
9 involving a violation of a section of the Vehicle Code or
10 any local ordinance adopted pursuant to the Vehicle
11 Code, except offenses relating to parking or registration
12 or offenses by pedestrians or bicyclists, or where an order
13 is made to pay a sum to the general fund of the county
14 pursuant to subparagraph (iii) of paragraph (3) of
15 subdivision (a) of Section 258 of the Welfare and
16 Institutions Code. Any bail schedule adopted pursuant to
17 Section 1269b may include the necessary amount to pay
18 the assessments established by this section and Section
19 76000 of the Government Code for all matters where a
20 personal appearance is not mandatory and the bail is
21 posted primarily to guarantee payment of the fine.

22 (b) Where multiple offenses are involved, the
23 assessment shall be based upon the total fine or bail for
24 each case. When a fine is suspended, in whole or in part,
25 the assessment shall be reduced in proportion to the

1 suspension.

2 (c) When any deposited bail is made for an offense to
3 which this section applies, and for which a court
4 appearance is not mandatory, the person making such
5 deposit shall also deposit a sufficient amount to include
6 the assessment prescribed by this section for forfeited
7 bail. If bail is returned, the assessment made thereon
8 pursuant to this section, shall also be returned.

9 (d) In any case where a person convicted of any
10 offense, to which this section applies, is in prison until the
11 fine is satisfied, the judge may waive all or any part of the
12 assessment, the payment of which would work a hardship
13 on the person convicted or his immediate family.

14 (e) After a determination by the court of the amount
15 due, the clerk of the court shall collect the same and
16 transmit it to the county treasury. The portion thereof
17 attributable to Section 76000 of the Government Code
18 shall be deposited in the appropriate county fund and the
19 balance shall then be transmitted to the State Treasury to
20 be deposited in the Assessment Fund, which is hereby
21 created. The transmission to the State Treasury shall be
22 carried out in the same manner as fines collected for the
23 state by a county.

24 (f) The moneys so deposited shall be distributed as
25 follows:

26 (1) Once a month there shall be transferred into the
27 Fish and Game Preservation Fund an amount equal to
28 0.38 percent of the funds deposited in the Assessment
29 Fund during the preceding month, but in no event shall
30 the amount be less than the assessment levied on fines or
31 forfeitures for violation of state laws relating to the
32 protection or propagation of fish and game. Such moneys
33 are to be used for the education or training of department
34 employees which fulfills a need consistent with the
35 objectives of the Department of Fish and Game.

36 (2) Once a month there shall be transferred into the
37 Restitution Fund an amount equal to 22.12 percent of the
38 funds deposited in the Assessment Fund during the
39 preceding month. Such funds shall be available for
40 appropriation by the Legislature in accordance with the

1 provisions of subdivision (b) of Section 13967 of the
2 Government Code.

3 (3) Once a month there shall be transferred into the
4 Peace Officers' Training Fund an amount equal to 27.75
5 percent of the funds deposited in the Assessment Fund
6 during the preceding month.

7 (4) Once a month there shall be transferred into the
8 Driver Training Penalty Assessment Fund an amount
9 equal to ~~29.73~~ 15.35 percent of the funds deposited in the
10 Assessment Fund during the preceding month.

11 (5) Once a month there shall be transferred into the
12 Local Corrections Training Fund an amount equal to 9.12
13 percent of the funds deposited in the Assessment Fund
14 during the preceding month. Money in the Local
15 Corrections Training Fund is not continuously
16 appropriated and shall be appropriated in the Budget
17 Act.

18 (6) Once a month there shall be transferred into the
19 Local Public Prosecutors and Public Defenders Training
20 Fund established pursuant to Section 11503 an amount
21 equal to 0.90 percent of the funds deposited in the
22 Assessment Fund during the preceding month. The
23 amount so transferred shall not exceed the sum of seven
24 hundred fifty thousand dollars (\$750,000) in any fiscal
25 year. The remainder in excess of seven hundred fifty
26 thousand dollars (\$750,000) shall be transferred to the
27 Restitution Fund.

28 (7) Once a month there shall be transferred into the
29 Victim-Witness Assistance Fund an amount equal to 10.00
30 percent of the funds deposited in the Assessment Fund
31 during the preceding month.

32 (8) *Once a month there shall be transferred into the*
33 *State Corrections Training Fund an amount equal to*
34 *12.30 percent of the funds deposited in the Assessment*
35 *Fund during the preceding month. Money in the State*
36 *Corrections Training Fund is not continuously*
37 *appropriated and shall be appropriated in the Budget*
38 *Act.*

39 (9) *Once a month there shall be transferred into the*
40 *Corrections Research Fund an amount equal to 2.08*

1 *percent of the funds deposited in the Assessment Fund*
2 *during the preceding month.*

3 SEC. 2. Chapter 3.5. (commencing with Section 5085)
4 is added to Title 7 of Part 3 of the Penal Code, to read:

5

6 CHAPTER 3.5. CALIFORNIA CORRECTIONS INSTITUTE

7

8 5085. There is in the Youth and Adult Correctional
9 Agency a California Correction; Institute.

10 5086. The California Corrections Institute shall be
11 governed by a board of directors consisting of 11
12 members as follows:

13 (a) One member each appointed by the governing
14 boards of the University of California, the California State
15 University, and the California community colleges.

16 (b) One member each appointed by the Attorney
17 General and the Judicial Council.

18 (c) One member each appointed by the Speaker of
19 the Assembly and the Senate Rules Committee to
20 represent the general public.

21 (d) One member appointed by the Governor from a
22 list of nominees jointly submitted by the California State
23 Sheriffs and the California Police Chiefs Association.

24 (e) One member appointed by the Governor from a
25 list of nominees submitted by the Chief Probation
26 Officers of California.

27 (f) The Director of Corrections and the Director of
28 the Youth Authority or their designees.

29 5087. (a) The board shall select its own chairperson
30 by a majority vote of its members. The term of office of
31 all appointed members shall be two years. In the event of
32 a vacancy due to resignation, death, or absence from
33 three consecutive meetings, the appointing power shall
34 fill the vacancy following receipt of written notification
35 that a vacancy has occurred.

36 (b) The board shall meet regularly at least four times
37 during each fiscal year, and shall hold extra meetings on
38 the call of the chairperson or a majority of the board. Six
39 members of the board shall constitute a quorum. The
40 vote of a majority of the members in the office is

1 necessary for the transaction of the business of the board.
2 (c) The appointed members of the board shall receive
3 a per diem to be determined by the chairperson but not
4 less than the usual per diem rate allowed to state
5 employees generally.

6 5088. The board may appoint an executive director of
7 the institute who shall serve at the pleasure of the board.
8 The executive director may recruit and employ such staff
9 as may be necessary to carry out the purposes of this
10 chapter.

11 5089. The California Corrections Institute shall:

12 (a) Finance research on issues of interest to both state
13 and local correctional agencies. The board of directors
14 shall receive and assign priority to research requests from
15 correctional agencies, the Legislature and others. With
16 respect to assigning priority to research requests, the
17 board shall give preference to research tasks beyond the
18 ordinary capability of in-house agency research divisions.

19 (b) Establish a clearinghouse for correctional
20 information and research and disseminate material of
21 interest, including the results of institute-financed
22 research, to correctional practitioners, the Legislature,
23 courts, and the public.

24 (c) Sponsor seminars in which experts and
25 theoreticians from various fields affecting upon
26 correctional practice may interact for the purpose of
27 assisting the conduct of California corrections.

28 5090. There is hereby created in the State Treasury a
29 Corrections Research Fund, which is hereby
30 continuously appropriated without regard to fiscal years,
31 to be used exclusively for the cost of administration,
32 program development, and research grants of the
33 California Corrections Institute.

34 The Corrections Research Fund is subject to the
35 provisions of Articles 2 (commencing with Section 13320)
36 and 3 (commencing with Section 13335) of Chapter 3 of
37 Part 3 of Division 3 of Title 2 of the Government Code.

38 SEC. 3. Section 6040 of the Penal Code is amended to
39 read:

40 6040. There is hereby created in the State Treasury a

1 *Local* Corrections Training Fund, which is hereby
2 ~~appropriated, without regard to fiscal years~~, exclusively
3 for the costs of administration, the development of
4 appropriate standards, the development of training,
5 program evaluation, and grants to local government
6 pursuant to this article.

7 SEC. 4. Section 6042 of the Penal Code is amended to
8 read:

9 6042. The board shall annually allocate and the State
10 Treasurer shall periodically pay from the *Local*
11 Corrections Training Fund, at intervals specified by the
12 board, to each city, county, or city and county which has
13 applied and qualified for aid pursuant to this article an
14 amount determined by the board pursuant to standards
15 set forth in its regulations. In no event shall any allocation
16 be made to any city, county, or city and county which is
17 not adhering to the selection and training standards
18 established by the board as applicable to such city,
19 county, or city and county.

20 SEC. 5. Article 4 (commencing with Section 6045) is
21 added to Chapter 5 of Title 7 of Part 3 of the Penal Code,
22 to read:

23

24 Article 4. Standards and Training of State Youth and
25 Adult Correctional Personnel

26

27 6045. (a) For the purposes of raising the level of
28 competence of state youth and adult corrections
29 personnel, the board shall adopt and may from time to
30 time amend, rules establishing minimum standards for
31 the selection and training for such personnel. All such
32 rules shall be adopted and amended pursuant to Chapter
33 4.5 (commencing with Section 11371) of Part 1 of
34 Division 3 of Title 2 of the Government Code.

35 (b) The board may defer the promulgation of
36 selection standards until necessary research for job
37 relatedness is completed.

38 (c) Minimum training standards may include, but are
39 not limited to, basic, entry, continuation, supervisory,
40 management, and specialized assignments.

1 (d) Training standards shall apply to all state
2 corrections personnel employed by departments
3 receiving funds under Section 6048. Exemptions from this
4 requirement for personnel hired prior to July 1, 1987,
5 shall be determined by the board. For the purpose of such
6 exemptions, the board may develop written or oral
7 equivalency examinations, a certification process which
8 recognizes standards of equivalency through a
9 combination of, professional experience and training, or
10 a combination of examination and certification.

11 6046. For purposes of implementing this article, the
12 board shall have the following powers:

13 (a) Approve or certify, or both, training and education
14 courses at institutions approved by the board.

15 (b) Make such inquiries as may be necessary to
16 determine whether each agency receiving aid pursuant
17 to this article is adhering to the standards for selection
18 and training established pursuant to this article.

19 (c) Develop and operate a professional certificate
20 program which provides recognition of achievement for
21 state corrections personnel whose agencies participate in
22 the program.

23 (d) Adopt such regulations as are necessary to carry
24 out the purposes of this article.

25 (e) Develop and present training courses for state
26 corrections officers and other personnel.

27 (f) Perform such other activities and studies as would
28 carry out the intent of this article.

29 6047. In exercising its functions, the board shall
30 endeavor to minimize costs of administration so that a
31 maximum of funds will be expended for the purpose of
32 providing training and other services to eligible
33 corrections departments.

34 6048. There is hereby created in the State Treasury a
35 State Corrections Training Fund, exclusively for the costs
36 of administration, the development of appropriate
37 standards, the development of training, program
38 evaluation, and grants pursuant to this article.

39 6049. The board shall annually allocate and the
40 Treasurer shall periodically pay from the State

1 Corrections Training Fund, at intervals specified by the
2 board, to each department which has applied and
3 qualified for aid pursuant to this article, an amount
4 determined by the board pursuant to standards set forth
5 in its regulations. In no event shall any allocation be made
6 to any department which is not adhering to the selection
7 ~~and training standards~~ established by the board.
8 6049.5. In order for the Legislature to determine the
9 need to continue or modify the standards and training
10 program for state corrections personnel, the board shall,
11 on June 30, 1987, and annually thereafter, submit a report
12 to the Legislature regarding the progress and
13 effectiveness of the program.