

STATE ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

July 16, 2015 Meeting

Issue: Proposition 47

On November 4, 2014, California voters approved Proposition 47. This proposition (Prop 47), includes three primary impacts. It reduces prescribed non-serious and non-violent drug and property crimes from felonies to misdemeanors. Offenders who are currently serving felony sentences may have their sentence reduced to misdemeanor sentences, offenders who have completed their sentence may apply to the court to have the conviction changed to a misdemeanor conviction and the court has more discretion in resentencing an offender currently serving a felony sentence. The annual savings from these first two impacts will fund grants to reduce truancy and drop-outs among K-12 students in public schools, victim services and mental health and substance abuse treatment services. It provides that the agency responsible for the administration of the funds shall not spend more than 5% of the total funds it receives annually for administrative costs.

By July 31, 2016, the Department of Finance is to calculate the savings and no later than August 1 of each Fiscal Year, is to report it to the State Controller. Beginning August 15, 2016, the State Controller's Office is to annually transfer this amount to the Safe Neighborhoods and Schools Fund. The Department of Finance has not yet determined how the state savings will be calculated. BSCC staff are in regular contact with them and we will share that information when it becomes available.

Specific to BSCC, Prop 47 requires BSCC to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment and diversion programs for people in the criminal justice system. BSCC is to emphasize programs that reduce recidivism of people convicted of less serious crimes such as those we just reviewed, and those who have substance abuse and mental health issues. The BSCC will have the responsibility to further define how the grant program will be administered. Prop 47 provides that the funds shall be used exclusively for the purposes of Prop 47 and are not subject to appropriation or transfer by the Legislature for any other purpose. Section 15 allows the measure to be amended by a 2/3 vote of the Legislature and signature of the Governor providing the amendment(s) are consistent with and further the intent of the Act.

There is a fair amount of uncertainty at this time about the level of state savings and BSCC's implementation. This is due in part to the significant amount of interest from a variety of groups and individuals and their efforts to shape next steps. The BSCC will actively engage with these interests as a way to both provide and receive information as we move forward.

There have been three bills introduced this year that are related to BSCC and Prop 47. Two of these bills, SB 515 (Beall) and SB 205 (Beall), were held in suspense in Senate Appropriations.

AB 1056 (Atkins) continues to move through the legislative process. Please note that the Senate President Pro “tem”, Kevin deLeon, recently signed on as a principal coauthor on AB 1056. So clearly this is an issue of interest to the leaders in both houses.

In the May 21, 2015 version of the bill, AB 1056 creates the Second Chance Fund and directs 100% of the funds BSCC receives from Prop 47 into this fund. The funds would be for BSCC to administer a competitive grant process that focuses on community-based solutions for reducing recidivism. The bill would codify the definition of recidivism that the BSCC developed in November 2014. The bill prescribes ESC membership slots. AB 1056 is very much a work in process and we will continue to work closely with the Speaker’s office and the sponsors as the bill moves forward. We anticipate that details will continue to be negotiated with interested stakeholders about grant eligibility and priorities for funding. AB 1056 does state that the grant program should “consider proposals that provide services to juveniles.”

The Board recognizes the broad public interest in Prop 47 and wants to interact directly with stakeholders and the public as part of its first steps. At the end of the 2015 legislative cycle, BSCC will host three to six regional meetings across the state to provide a venue for local agencies and the public to provide input for consideration. As soon as we determine the schedule of these activities, we will invite Board and Committee participation. The outcomes of these meetings will be summarized and shared with the Board and Committees.

Finally, I would like to report that both of BSCC’s juvenile standing committees’ formal recommendation that the Board give consideration to juvenile issues in its Prop 47 grant making protocols was made at the June 10, 2015 Board meeting. Please see the Board Report (Attachment A) for additional details. The Board requested that the recommendations be brought back to them for consideration at a time when BSCC staff and the juvenile committee chairs determine the timing to be appropriate for action.

Recommendation / Action Needed: Information only

Resource Person: Mary Jolls, Deputy Director, BSCC