

COMMITTEE LEADERSHIP

Erin Hannigan, District 1
Monica Brown, District 2

STAFF

Matthew A. Davis, CAO



Legislative Committee

Monday, April 15, 2024
1:30 p.m. – 3 p.m.

Solano County Administration Center
675 Texas Street, Conf. Rm 6003 (6th Floor), Fairfield, CA 94533
Call in option on MS Teams: (323) 457-3408, ID 759 118 567#

MEETING AGENDA

(1) – INTRODUCTIONS *(Attendees)*

Erin Hannigan, District 1 Supervisor and Monica Brown, District 2 Supervisor

(2) – ADDITIONS / DELETIONS TO THE AGENDA

(3) – PUBLIC COMMENT *(Items not on the agenda)*

(4) – FEDERAL LEGISLATIVE UPDATE

Paragon Government Relations, Washington D.C.

- (1) FY2024 Appropriations Recap
- (2) FY2024 Appropriations Outlook
- (3) Government Facilities to Affordable Housing Conversion [Act](#)
- (4) Disaster Resiliency and Coverage [Act](#)

(5) – UPDATE FROM SOLANO COUNTY LEGISLATIVE DELEGATION

Representative and/or staff

(6) – STATE LEGISLATIVE UPDATE

Karen Lange, SYASL Partners, Inc., Sacramento, CA

- (1) Early Action Budget update
- (2) Delta Stewardship Council appointment update
- (3) Update on [AB 1957](#) (Wilson) – Best Value Construction Contracting for Counties (Sponsored Legislation)
- (4) Update on [AB 2973](#) (Hart) – Emergency Services
- (5) Update on [AB 2265](#) (McCarty) – Animals, Spaying, Neutering and Euthanasia
- (6) Update on [AB 2561](#) (McKinnor) – Local Public Employees, Vacant Positions

(7) – ACTION ITEMS

- (1) Receive an update on [SB 1159](#) ([Dodd – D](#)) an Act to add a section to the Public Resources Code, relating to environmental quality, roadside wildfire risk reduction projects, and consider making a recommendation *(Recommended and presented by **Charlie Born**, Legislative Aide, Senator Bill Dodd)*

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- (2) Receive an update on [AB 2882 \(McCarty – D\)](#) an Act to amend sections of the Penal Code, relating to criminal procedure, California Community Corrections Performance Incentives, and consider making a recommendation (*Recommended and presented by Dean Farrah, Interim Chief of Probation*)
- (3) Receive an update on [SB 1057 \(Menjivar – D\)](#) an Act to amend a section of the Government Code, and to repeal and add a section of the Welfare and Institutions Code, Relating to Juveniles, Juvenile Justice Coordinating Council, and consider making a recommendation (*Recommended and presented by Dean Farrah, Interim Chief of Probation*)
- (4) Receive an update on [AB 2079 \(Bennett – D\)](#) an Act to add an article to a division of the Water Code, relating to groundwater, and consider making a recommendation (*Recommended by Misty Kaltreider, Water and Natural Resources Program Manager, Resource Management, presented by Trey Strickland, Environmental Health Manager, Resource Management*)
- (5) Receive an update on [SB 1124 \(Menjivar – D\)](#) an Act to amend a section of the Civil Code and the Military and Veterans Code, relating to unfair business practices, and consider making a recommendation (*Presented by Karen Lange and SYASL Partners*)

(8) – FUTURE SCHEDULED MEETINGS

- (1) Monday, June 3, 2024 starting at 1:30 p.m.
- (2) Monday, June 17, 2024 starting at 1:30 p.m.
- (3) Monday, October 21, 2024 starting at 1:30 p.m.

(9) ADJOURN

Introduced by Senator DoddFebruary 14, 2024

An act to add Section 21084.4 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as introduced, Dodd. California Environmental Quality Act: roadside wildfire risk reduction projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from the requirements of CEQA, commonly known as categorical exemptions.

This bill would require the secretary to consider including roadside projects undertaken solely for the purpose of wildfire risk reduction in

the classes of projects subject to a categorical exemption if specified requirements are met.

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. Section 21084.4 is added to the Public Resources
- 2 Code, to read:
- 3 21084.4. The Secretary of the Natural Resources Agency shall
- 4 consider including roadside projects undertaken solely for the
- 5 purpose of wildfire risk reduction in the classes of projects
- 6 determined not to have a significant effect on the environment
- 7 pursuant to subdivision (a) of Section 21084 if all of the following
- 8 requirements are met:
- 9 (a) The project does not result in the removal of healthy trees
- 10 with a diameter at breast height that is greater than 12 inches.
- 11 (b) The project does not result in soil disturbance that could
- 12 lead to sedimentation of surface waters.
- 13 (c) The project is within 30 feet of the edge of an improved
- 14 surface road.
- 15 (d) The project is no more than five road miles from a
- 16 municipality or census designated place.

ASSEMBLY BILL

No. 2882

Introduced by Assembly Member McCarty

February 15, 2024

An act to amend Sections 1230, 1230.1, and 6027 of, and to add Section 1230.2 to, the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 2882, as introduced, McCarty. California Community Corrections Performance Incentives.

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive moneys for the implementation of a community corrections program to provide supervision and rehabilitative services for adult felony offenders subject to local supervision. Existing law requires the program to be developed and implemented by probation and advised by a local Community Corrections Partnership. Existing law requires the partnership to be comprised of specified members, including, among others, a representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.

This bill would add a representative of a community-based organization with experience in successfully providing behavioral health treatment services to persons who have been convicted of a criminal offense, and a representative of a Medi-Cal managed care plan that provides the Enhanced Care Management benefit, to the membership of the partnership.

Existing law requires each county local Community Corrections Partnership to recommend a local plan to the county board of

supervisors, and requires the board to accept or reject the plan. Existing law requires the plan to be voted on by an executive committee of each county's partnership consisting of, among others, one department representative from the head of the county department of social services, the head of the county department of mental health, or the head of the county alcohol and substance abuse programs.

This bill would instead require the committee to consist of all 3 of the departments mentioned above and would require the department head to have the number of votes equivalent to the number of departments they represent. The bill would require the plan to, among other things, include quantifiable goals for improving the community corrections system, as specified. The bill would require the local partnership to submit the accepted plan annually to the Board of State and Community Corrections.

This bill would require each county to submit the County Community Corrections Outcomes, Accountability, and Transparency report annually to the Board of State and Community Corrections that includes, among other things, the number of people who have a serious mental illness or substance use disorder who are connected to community-based treatment and support upon release from jail or completion of community supervision. The bill would require each county's board of supervisors to verify that the report is complete and accurate before it is submitted to the board. Because this bill would expand the duties for certain local officials, it would impose a state-mandated local program.

Existing law requires the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. Existing law requires the board to collect and analyze available data regarding the implementation of the local plans and other outcome-based measures.

This bill would require the board to create the Community Corrections Outcomes, Accountability, and Transparency dashboard that displays the county's goals mentioned above and the spending and outcomes data reported in the County Community Corrections Outcomes, Accountability, and Transparency report. The bill would require the dashboard to be accessible through the board's internet website.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 1230 of the Penal Code is amended to
2 read:

3 1230. (a) Each county is hereby authorized to establish in each
4 county treasury a Community Corrections Performance Incentives
5 Fund (CCPIF), to receive all amounts allocated to that county for
6 purposes of implementing this chapter.

7 (b) Notwithstanding any other law, in any fiscal year for which
8 a county receives moneys to be expended for the implementation
9 of this chapter, the moneys, including any interest, shall be made
10 available to the CPO of that county, within 30 days of the deposit
11 of those moneys into the fund, for the implementation of the
12 community corrections program authorized by this chapter.

13 (†)

14 (c) (1) The community corrections program shall be developed
15 and implemented by probation and advised by a local Community
16 Corrections Partnership.

17 (2) The local Community Corrections Partnership shall be
18 chaired by the CPO and comprised of the following membership:

19 (A) The presiding judge of the superior court, or ~~his or her~~ *their*
20 designee.

21 (B) A county supervisor or the chief administrative officer for
22 the county or a designee of the board of supervisors.

23 (C) The district attorney.

24 (D) The public defender.

25 (E) The sheriff.

26 (F) A chief of police.

27 (G) The head of the county department of social services.

28 (H) The head of the county department of mental health.

- 1 (I) The head of the county department of employment.
- 2 (J) The head of the county alcohol and substance abuse
- 3 programs.
- 4 (K) The head of the county office of education.
- 5 (L) A representative from a community-based organization with
- 6 experience in successfully providing rehabilitative services to
- 7 persons who have been convicted of a criminal offense.
- 8 (M) An individual who represents the interests of victims.
- 9 (N) *A representative of a community-based organization with*
- 10 *experience in successfully providing behavioral health treatment*
- 11 *services to persons who have been convicted of a criminal offense.*
- 12 (O) *A representative of a Medi-Cal managed care plan, as*
- 13 *defined in subdivision (j) of Section 14184.101 of the Welfare and*
- 14 *Institutions Code, which provides the Enhanced Care Management*
- 15 *benefit.*
- 16 ~~(3)~~
- 17 (d) Funds allocated to probation pursuant to this act shall be
- 18 used to provide supervision and rehabilitative services for adult
- 19 felony offenders subject to local supervision, and shall be spent
- 20 on evidence-based community corrections practices and programs,
- 21 as defined in subdivision (d) of Section 1229, which may include,
- 22 but are not limited to, the following:
- 23 ~~(A)~~
- 24 (1) Implementing and expanding evidence-based risk and needs
- 25 assessments.
- 26 ~~(B)~~
- 27 (2) Implementing and expanding intermediate sanctions that
- 28 include, but are not limited to, electronic monitoring, mandatory
- 29 community service, home detention, day reporting, restorative
- 30 justice programs, work furlough programs, and incarceration in
- 31 county jail for up to 90 days.
- 32 ~~(C)~~
- 33 (3) Providing more intensive local supervision.
- 34 ~~(D)~~
- 35 (4) Expanding the availability of evidence-based rehabilitation
- 36 programs including, but not limited to, drug and alcohol treatment,
- 37 mental health treatment, anger management, cognitive behavior
- 38 programs, and job training and employment services.
- 39 ~~(E)~~

1 (5) Evaluating the effectiveness of rehabilitation and supervision
2 programs and ensuring program fidelity.

3 ~~(4)~~

4 (e) Notwithstanding any other law, the CPO shall have discretion
5 to spend funds on any of the above practices and programs
6 consistent with this act but, at a minimum, shall devote at least 5
7 percent of all funding received to evaluate the effectiveness of
8 those programs and practices implemented with the funds provided
9 pursuant to this chapter. A CPO may petition the Judicial Council
10 to have this restriction waived, and the Judicial Council shall have
11 the authority to grant such a petition, if the CPO can demonstrate
12 that the department is already devoting sufficient funds to the
13 evaluation of these programs and practices.

14 ~~(5)~~

15 (f) Each probation department receiving funds under this chapter
16 shall maintain a complete and accurate accounting of all funds
17 received pursuant to this chapter.

18 SEC. 2. Section 1230.1 of the Penal Code is amended to read:

19 1230.1. (a) Each county local Community Corrections
20 Partnership established pursuant to subdivision (b) of Section 1230
21 shall recommend a local plan to the county board of supervisors
22 for the implementation of the 2011 public safety realignment.

23 (b) The plan shall be voted on by an executive committee of
24 each county's Community Corrections Partnership consisting of
25 the chief probation officer of the county as chair, a chief of police,
26 the sheriff, the District Attorney, the Public Defender, the presiding
27 judge of the superior court, or ~~his or her designee, and one~~
28 ~~department representative listed in either subparagraph (G), (H),~~
29 ~~or (J) of paragraph (2) of subdivision (b) of Section 1230, as~~
30 ~~designated by the county board of supervisors for purposes related~~
31 ~~to the development and presentation of the plan. *their designee,*~~
32 ~~*the head of the county department of social services, the head of*~~
33 ~~*the county department of mental health, and the head of the county*~~
34 ~~*alcohol and substance abuse programs. In counties where one or*~~
35 ~~*more of the departments for social services, mental health, or*~~
36 ~~*alcohol and substance abuse programs are consolidated, the*~~
37 ~~*department head shall have the number of votes equivalent to the*~~
38 ~~*number of departments they represent.*~~

39 (c) (1) The plan shall be deemed accepted by the county board
40 of supervisors unless the board rejects the plan by a vote of

1 four-fifths of the board, in which case the plan goes back to the
 2 Community Corrections Partnership for further consideration.

3 (2) (A) *The local Community Corrections Partnership shall*
 4 *submit the accepted plan annually to the Board of State and*
 5 *Community Corrections.*

6 (B) *Each county’s board of supervisors shall attest that the plan*
 7 *has been accepted and is accurate before it is submitted to the*
 8 *board.*

9 (d) Consistent with local needs and resources, the plan ~~may~~
 10 *shall* include recommendations to maximize the effective
 11 investment of criminal justice resources in evidence-based
 12 correctional sanctions and programs, including, but not limited to,
 13 day reporting centers, drug courts, residential multiservice centers,
 14 ~~mental behavioral~~ *behavioral* health treatment programs, electronic and GPS
 15 monitoring programs, victim restitution programs, counseling
 16 programs, community service programs, educational programs,
 17 ~~and work training programs.~~ *programs, and housing services.*

18 (e) *The plan shall include an analysis and recommendations of*
 19 *how criminal justice resources may be spent as matching funds*
 20 *for other sources, including, but not limited to, Medi-Cal federal*
 21 *financial participation.*

22 (f) (1) *The plan shall include quantifiable goals for improving*
 23 *the community corrections system, including, but not limited to,*
 24 *all of the following:*

25 (A) *Reducing the daily jail population.*

26 (B) *Reducing jail bookings.*

27 (C) *Reducing the average length of jail stay.*

28 (D) *Increasing postrelease connections to community-based*
 29 *behavioral health services for persons with a serious mental illness*
 30 *or substance use disorder.*

31 (E) *Reducing rates of recidivism.*

32 (2) *County goals shall include specific targets for reducing*
 33 *disparities for populations disproportionately represented in the*
 34 *community corrections system, including, but not limited to,*
 35 *individuals with a serious mental illness or substance use disorder;*
 36 *Black, Indigenous, people of color, and LGBTQ+ people.*

37 SEC. 3. Section 1230.2 is added to the Penal Code, to read:

38 1230.2. (a) (1) Each county shall submit the County
 39 Community Corrections Outcomes, Accountability, and

1 Transparency report annually to the Board of State and Community
2 Corrections (BSCC).

3 (2) The report shall be submitted in a form, manner, and in
4 accordance with timelines prescribed by the BSCC.

5 (b) The report shall include all of the following data and
6 information:

7 (1) The county's annual allocation of state and federal public
8 safety funds, including for behavioral health care, by category.

9 (2) The county's annual expenditure of state and federal public
10 safety funds, including for behavioral health care, by category.

11 (3) The amounts of annual and cumulative unspent state and
12 federal public safety funds, including funds in a reserve account,
13 by category.

14 (4) The county's annual expenditure of county general funds
15 and other funds, by category, on public safety, including for
16 behavioral health care.

17 (5) All administrative costs associated with community
18 corrections, by category.

19 (6) All contracted services, including behavioral health services,
20 and the cost of those contracted services, by category.

21 (7) The number of behavioral health calls for services received
22 by 911 dispatch.

23 (8) The number of jail bookings, including the number of people
24 who screened positive for a serious mental illness or substance use
25 disorder according to a validated behavioral health screening
26 conducted when booked into jail, and the number of people who
27 were confirmed as having serious mental illness or substance use
28 disorder through a clinical assessment at the jail or as a result of
29 data matching with state or local behavioral health systems.

30 (9) Length of jail stay.

31 (10) The number of people who have a serious mental illness
32 or substance use disorder who are connected to community-based
33 treatment and support upon release from jail or completion of
34 community supervision, by release type.

35 (11) The number of people enrolled in Medi-Cal prior to release
36 from jail or completion of community supervision, by release type.

37 (12) The number of people who have a serious mental illness
38 or substance use disorder on community supervision, by release
39 type.

1 (13) The number of persons who are convicted of a new felony
2 or misdemeanor committed within three years of release from
3 custody or committed within three years of placement on
4 supervision for a previous criminal conviction.

5 (c) Each county's board of supervisors shall verify that the report
6 is complete and accurate before it is submitted to the BSCC.

7 SEC. 4. Section 6027 of the Penal Code is amended to read:

8 6027. (a) It shall be the duty of the Board of State and
9 Community Corrections to collect and maintain available
10 information and data about state and community correctional
11 policies, practices, capacities, and needs, including, but not limited
12 to, prevention, intervention, suppression, supervision, and
13 incapacitation, as they relate to both adult corrections, juvenile
14 justice, and gang problems. The board shall seek to collect and
15 make publicly available up-to-date data and information reflecting
16 the impact of state and community correctional, juvenile justice,
17 and gang-related policies and practices enacted in the state, as well
18 as information and data concerning promising and evidence-based
19 practices from other jurisdictions.

20 (b) Consistent with subdivision (c) of Section 6024, the board
21 shall also:

22 (1) Develop recommendations for the improvement of criminal
23 justice and delinquency and gang prevention activity throughout
24 the state.

25 (2) Identify, promote, and provide technical assistance relating
26 to evidence-based programs, practices, and promising and
27 innovative projects consistent with the mission of the board.

28 (3) Develop definitions of key terms, including, but not limited
29 to, "recidivism," "average daily population," "treatment program
30 completion rates," and any other terms deemed relevant in order
31 to facilitate consistency in local data collection, evaluation, and
32 implementation of evidence-based practices, promising
33 evidence-based practices, and evidence-based programs. In
34 developing these definitions, the board shall consult with the
35 following stakeholders and experts:

36 (A) A county supervisor or county administrative officer,
37 selected after conferring with the California State Association of
38 Counties.

39 (B) A county sheriff, selected after conferring with the California
40 State Sheriffs' Association.

- 1 (C) A chief probation officer, selected after conferring with the
2 Chief Probation Officers of California.
- 3 (D) A district attorney, selected after conferring with the
4 California District Attorneys Association.
- 5 (E) A public defender, selected after conferring with the
6 California Public Defenders Association.
- 7 (F) The Secretary of the Department of Corrections and
8 Rehabilitation.
- 9 (G) A representative from the ~~Administrative Office of the~~
10 ~~Courts~~. *Judicial Council*.
- 11 (H) A representative from a nonpartisan, nonprofit policy
12 institute with experience and involvement in research and data
13 relating to California’s criminal justice system.
- 14 (I) A representative from a nonprofit agency providing
15 comprehensive reentry services.
- 16 (4) Receive and disburse federal funds, and perform all
17 necessary and appropriate services in the performance of its duties
18 as established by federal acts.
- 19 (5) Develop comprehensive, unified, and orderly procedures to
20 ensure that applications for grants are processed fairly, efficiently,
21 and in a manner consistent with the mission of the board.
- 22 (6) Identify delinquency and gang intervention and prevention
23 grants that have the same or similar program purpose, are allocated
24 to the same entities, serve the same target populations, and have
25 the same desired outcomes for the purpose of consolidating grant
26 funds and programs and moving toward a unified single
27 delinquency intervention and prevention grant application process
28 in adherence with all applicable federal guidelines and mandates.
- 29 (7) Cooperate with and render technical assistance to the
30 Legislature, state agencies, units of general local government,
31 combinations of those units, or other public or private agencies,
32 organizations, or institutions in matters relating to criminal justice
33 and delinquency prevention.
- 34 (8) Develop incentives for units of local government to develop
35 comprehensive regional partnerships whereby adjacent jurisdictions
36 pool grant funds in order to deliver services, such as job training
37 and employment opportunities, to a broader target population,
38 including at-promise youth, and maximize the impact of state funds
39 at the local level.

1 (9) Conduct evaluation studies of the programs and activities
2 assisted by the federal acts.

3 (10) Identify and evaluate state, local, and federal gang and
4 youth violence suppression, intervention, and prevention programs
5 and strategies, along with funding for those efforts. The board shall
6 assess and make recommendations for the coordination of the
7 state's programs, strategies, and funding that address gang and
8 youth violence in a manner that maximizes the effectiveness and
9 coordination of those programs, strategies, and resources. By
10 January 1, 2014, the board shall develop funding allocation policies
11 to ensure that within three years no less than 70 percent of funding
12 for gang and youth violence suppression, intervention, and
13 prevention programs and strategies is used in programs that utilize
14 promising and proven evidence-based principles and practices.
15 The board shall communicate with local agencies and programs
16 in an effort to promote the best evidence-based principles and
17 practices for addressing gang and youth violence through
18 suppression, intervention, and prevention.

19 ~~(11)~~

20 (c) The board shall collect from each county the plan submitted
21 pursuant to Section 1230.1 within two months of adoption by the
22 county boards of supervisors. Commencing January 1, 2013, and
23 annually thereafter, the board shall collect and analyze available
24 data regarding the implementation of the local plans and other
25 outcome-based measures, as defined by the board in consultation
26 with the ~~Administrative Office of the Courts~~, *Judicial Council* the
27 Chief Probation Officers of California, and the California State
28 Sheriffs' Association. By July 1, 2013, and annually thereafter,
29 the board shall provide to the Governor and the Legislature a report
30 on the implementation of the plans described above.

31 ~~(12)~~

32 (d) Commencing on and after July 1, 2012, the board, in
33 consultation with the ~~Administrative Office of the Courts~~, *Judicial*
34 *Council*, the California State Association of Counties, the
35 California State Sheriffs' Association, and the Chief Probation
36 Officers of California, shall support the development and
37 implementation of first phase baseline and ongoing data collection
38 instruments to reflect the local impact of Chapter 15 of the Statutes
39 of 2011, specifically related to dispositions for felony offenders
40 and postrelease community supervision. The board shall make any

1 data collected pursuant to this paragraph available on the board's
2 internet website. It is the intent of the Legislature that the board
3 promote collaboration and the reduction of duplication of data
4 collection and reporting efforts where possible.

5 *(e) (1) The board shall create the Community Corrections*
6 *Outcomes, Accountability, and Transparency dashboard that shall*
7 *be accessible through the board's internet website. The dashboard*
8 *shall display information including, but not limited to, both of the*
9 *following:*

10 *(A) Each county's plans pursuant to subdivision (f) of Section*
11 *1230.1.*

12 *(B) The spending and outcomes data reported pursuant to*
13 *Section 1230.2. Outcomes shall be displayed so that changes in*
14 *rates can be compared year over year and between counties.*

15 *(2) The board shall ensure definitions, form, and manner of the*
16 *data and information submitted pursuant to Sections 1230.1 and*
17 *1230.2 are consistent so that spending and outcomes data can be*
18 *compared across counties.*

19 ~~(e)~~

20 *(f) The board may do either of the following:*

21 *(1) Collect, evaluate, publish, and disseminate statistics and*
22 *other information on the condition and progress of criminal justice*
23 *in the state.*

24 *(2) Perform other functions and duties as required by federal*
25 *acts, rules, regulations, or guidelines in acting as the administrative*
26 *office of the state planning agency for distribution of federal grants.*

27 ~~(d) Nothing in this~~

28 *(g) This chapter shall not be construed to include, in the*
29 *provisions set forth in this section, funds already designated to the*
30 *Local Revenue Fund 2011 pursuant to Section 30025 of the*
31 *Government Code.*

32 SEC. 5. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

- 1 _____
- 2 **CORRECTIONS:**
- 3 **Text—Pages 6, 7, and 8.**
- 4 _____

O

AMENDED IN SENATE MARCH 19, 2024

SENATE BILL

No. 1057

Introduced by Senator Menjivar

February 8, 2024

An act to amend ~~Section 602 of the Welfare and Institutions Code, Section 30061 of the Government Code, and to repeal and add Section 749.22 of the Welfare and Institutions Code~~, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1057, as amended, Menjivar. ~~Juveniles.~~ *Juvenile justice coordinating council.*

Under existing law, there is established in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to receive all amounts allocated to a county for specified purposes. Existing law requires the moneys to be allocated in specified amounts, including, but not limited to, 50% to a county or city and county to implement a comprehensive multiagency juvenile justice plan, as specified. Existing law requires the juvenile justice plan to be developed by the local juvenile justice coordinating council in each county and city and county. Existing law requires the plan to be annually reviewed and updated by the council and submitted to the Board of State and Community Corrections. Existing law requires a county or city and county to submit a report to the board of supervisors and the board to assess the effectiveness of the programs, strategies, and system enhancements funded under these provisions and specifies the information to be included in the report.

This bill would require a county or city and county to establish a juvenile justice coordinating council in order to obtain funding under these provisions. The bill would require the board to evaluate if a county

or a city and county has complied with the requirements of these provisions and would authorize the board or any state agency overseeing the administration of these funds to determine an appropriate remedial action or to withhold funding if a county or city and county fails to create a juvenile justice coordinating council. The bill would revise required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that are vulnerable to court system involvement due to high rates of poverty and the incarceration of at-risk youth's family members, among other things, and a description of the target population funded under these provisions. The bill would require assessments to prioritize soliciting direct feedback on youth participants' satisfaction with existing services and resources. The bill would require programs and strategies funded under these provisions to, among other things, be modeled on healing-centered, restorative, trauma-informed, and positive youth development approaches and in collaboration with community-based organizations. The bill would prohibit the sharing of personally identifying information across agencies without informed, voluntary, revocable, and written consent of youth participants or their parents or legal guardians. The bill would require a council to include additional information in its annual report to the board of supervisors and the board relating to their programs, including data on youth participants and council members.

The bill would require the local agency overseeing requests for proposals for funds under these provisions to engage with community stakeholders, as specified, and take into account the county's juvenile justice plan and equity funding across the county. The bill would authorize any local agency to oversee the request for proposals except for a law enforcement-related agency, with preference for behavioral health-related local agencies.

Existing law requires a juvenile justice coordinating council to consist of certain members, including, but not limited to, the chief probation officer, as chair, and a representative from the district attorney's office, the public defender's office, and the sheriff's department, among others.

This bill would revise and recast those membership provisions, and instead require each county juvenile justice coordinating council to, at a minimum, consist of at least 50% community representatives with the remainder of the seats allocated to representatives from governmental

agencies, as specified. The bill would require the council to include an at-promise youth, as defined, and either a person with experience in the juvenile court system or a system-impacted family member. The bill would require a council to select 2 cochairs from amongst its members, at least one of whom shall be a community representative. The bill would require a council to meet no less than 3 times per year and announce its meetings at least 10 days in advance of a meeting.

~~Existing law establishes the jurisdiction of the juvenile court over minors who are between 12 and 17 years of age, inclusive, who have violated a federal, state, or local law or ordinance, as specified, and over minors under 12 years of age who have been alleged to have committed specified crimes. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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

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

- 1 SECTION 1. (a) *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (1) *The grant administration under the Juvenile Justice Crime*
- 4 *Prevention Act (JJCPA), which was created under the*
- 5 *Schiff-Cardenas Crime Prevention Act of 2000 (Chapter 353 of*
- 6 *the Statutes of 2000), requires that each county establish a juvenile*
- 7 *justice coordinating council (Council) that consists of*
- 8 *representatives from a variety of local agencies and community*
- 9 *groups to ensure the county’s multiagency juvenile justice plan is*
- 10 *collaborative and comprehensive. A 2020 audit by the California*
- 11 *State Auditor found that 20 percent of counties lacked a Council*
- 12 *entirely. Of those counties that did complete plans, the California*
- 13 *State Auditor found that counties generally made limited revisions*
- 14 *to their plans over the past 20 years despite significant changes*
- 15 *to the juvenile justice landscape.*
- 16 (2) *The Councils were intended to guide the implementation of*
- 17 *JJCPA funds to support community-run prevention and intervention*
- 18 *programs that would include meaningful planning and program*
- 19 *assessments. Many of the Councils have fallen short of the original*
- 20 *vision to support positive youth development in community settings*

1 and reduce youth involvement in the court system. The use of
2 JJCPA funds on law enforcement salaries and benefits, including
3 net-widening with excessive probation supervision, is contradictory
4 to the act's original intent of investment in collaborative,
5 community-based services.

6 (3) To be aligned with the purpose of the JJCPA, programs and
7 strategies created by the Councils and funded under the JJCPA
8 should be primarily focused on preventing young people from
9 entering the criminal legal system through developing a
10 nonpunitive, community-based, healing-centered, culturally
11 competent, restorative, trauma-informed approach that is
12 supported by key stakeholders, which is critical to reducing
13 collateral consequences for justice-involved youth and saving
14 taxpayer dollars.

15 (4) The Council's juvenile justice plans and subsequent
16 allocation of JJCPA funds do not reflect the drastically changing
17 landscape of California's youth justice system or research on best
18 practices to support youth. Since 2000, youth arrests have declined
19 by over 80 percent. California has also seen a 66-percent decline
20 in referrals to probation since 2006. Research shows that many
21 at-promise youth are in the free community; therefore, the juvenile
22 justice plans, programs, and strategies should reflect this changing
23 landscape by investing in community-based solutions and services.

24 (5) Comprehensive multiagency juvenile justice plans should
25 focus on creating nurturing environments conducive to healthy
26 youth development. An analysis of multiple studies of
27 system-involved youth shows significantly higher adverse childhood
28 experience (ACE) scores, overrepresentation of minority youth,
29 and documented associations between these ACEs and increased
30 behavioral, legal, mental health, substance abuse, pregnancy,
31 victimization, and educational problems. Arrest, court hearings,
32 detention, and incarceration are inherently stressful, and can
33 exacerbate trauma symptoms.

34 (6) "State Strategies to Address the Needs of Justice-Involved
35 Youth Impacted by Collateral Consequences" (February 2023)
36 by the National Governors Association found that justice-involved
37 youth face a diverse range of collateral consequences that can
38 have both immediate and long-term negative and adverse impacts
39 on their well-being and the well-being of their families.

1 (7) *The Justice Policy Institute’s “Sticker Shock 2020: The Cost*
2 *of Youth Incarceration” (July 2020) provides that extensive*
3 *research reveals that secure youth incarceration increases the*
4 *likelihood of recidivism and harms educational attainment, lifetime*
5 *wages, and future health outcomes for youth. In 2020, California*
6 *spent an average of \$833 per day per youth in confinement, which*
7 *is equivalent to spending \$308,259 per year per youth. Prevention*
8 *and intervention services for youth development are more cost*
9 *effective to be administered through community-based services*
10 *rather than through law enforcement agencies and incarceration.*

11 (b) *Therefore, it is the intent of the Legislature to include strong*
12 *community representation on each Council, including at-promise*
13 *youth, people and families impacted by the juvenile court system,*
14 *and community-based service providers, to ensure that juvenile*
15 *justice plans primarily focus on providing healing-centered,*
16 *culturally competent, restorative, community-based programs and*
17 *services that reduce and avoid young people’s engagement with*
18 *law enforcement, including programs and services administered*
19 *by or overseen by law enforcement agencies.*

20 SEC. 2. *Section 30061 of the Government Code is amended to*
21 *read:*

22 30061. (a) There shall be established in each county treasury
23 a Supplemental Law Enforcement Services Account (SLESA), to
24 receive all amounts allocated to a county for purposes of
25 implementing this chapter.

26 (b) In any fiscal year for which a county receives moneys to be
27 expended for the implementation of this chapter, the county auditor
28 shall allocate the moneys in the county’s SLESA within 30 days
29 of the deposit of those moneys into the fund. The moneys shall be
30 allocated as follows:

31 (1) Five and fifteen-hundredths percent to the county sheriff for
32 county jail construction and operation. In the case of *the Counties*
33 *of Madera, Napa, and Santa Clara Counties, Clara*, this allocation
34 shall be made to the county director or chief of corrections.

35 (2) Five and fifteen-hundredths percent to the district attorney
36 for criminal prosecution.

37 (3) Thirty-nine and seven-tenths percent to the county and the
38 cities within the county, and, in the case of *the Counties of San*
39 *Mateo, Kern, Siskiyou, and Contra Costa Counties, Costa*, also to
40 the Broadmoor Police Protection District, the Bear Valley

1 Community Services District, the Stallion Springs Community
2 Services District, the Lake Shastina Community Services District,
3 and the Kensington Police Protection and Community Services
4 District, in accordance with the relative population of the cities
5 within the county and the unincorporated area of the county, and
6 the Broadmoor Police Protection District in the County of San
7 Mateo, the Bear Valley Community Services District and the
8 Stallion Springs Community Services District in ~~Kern County~~, *the*
9 *County of Kern*, the Lake Shastina Community Services District
10 in ~~Siskiyou County~~, *the County of Siskiyou*, and the Kensington
11 Police Protection and Community Services District in ~~Contra Costa
12 ~~County~~, *the County of Contra Costa*, as specified in the most recent
13 January estimate by the Demographic Research Unit of the
14 Department of Finance, and as adjusted to provide, except as
15 provided in subdivision (i), a grant of at least one hundred thousand
16 dollars (\$100,000) to each law enforcement jurisdiction. For a
17 newly incorporated city whose population estimate is not published
18 by the Department of Finance, but that was incorporated prior to
19 July 1 of the fiscal year in which an allocation from the SLESA
20 is to be made, the city manager, or an appointee of the legislative
21 body, if a city manager is not available, and the county
22 administrative or executive officer shall prepare a joint notification
23 to the Department of Finance and the county auditor with a
24 population estimate reduction of the unincorporated area of the
25 county equal to the population of the newly incorporated city by
26 July 15, or within 15 days after the Budget Act is enacted, of the
27 fiscal year in which an allocation from the SLESA is to be made.
28 ~~N~~ A person residing within the Broadmoor Police Protection
29 District, the Bear Valley Community Services District, the Stallion
30 Springs Community Services District, the Lake Shastina
31 Community Services District, or the Kensington Police Protection
32 and Community Services District shall *not* also be counted as
33 residing within the unincorporated area of the County of San
34 Mateo, Kern, Siskiyou, or Contra Costa, or within any city located
35 within those counties. Except as provided in subdivision (i), the
36 county auditor shall allocate a grant of at least one hundred
37 thousand dollars (\$100,000) to each law enforcement jurisdiction.
38 Moneys allocated to the county pursuant to this subdivision shall
39 be retained in the county SLESA, and moneys allocated to a city~~

1 pursuant to this subdivision shall be deposited in a SLESA
2 established in the city treasury.

3 (4) Fifty percent to the county or city and county to implement
4 a comprehensive multiagency juvenile justice ~~plan~~ *plan*, as
5 provided in this paragraph. *In order to be eligible for funding under*
6 *this paragraph, a county or city and county shall establish a*
7 *juvenile justice coordinating council with membership described*
8 *in Section 749.22 of the Welfare and Institutions Code.* The juvenile
9 justice plan shall be developed by the local juvenile justice
10 coordinating council in each county and city and ~~county with the~~
11 ~~membership described in Section 749.22 of the Welfare and~~
12 ~~Institutions Code.~~ *county. If a county or city and county fails to*
13 *establish a juvenile justice coordinating council, the Board of State*
14 *and Community Corrections or any state agency overseeing the*
15 *administration of these funds shall have the authority to determine*
16 *appropriate remedial action or withhold the funding provided*
17 *under this paragraph.* The plan shall be reviewed and updated
18 annually by the ~~council.~~ *juvenile justice coordinating council.* The
19 plan or updated plan ~~may, at the discretion of the county or city~~
20 ~~and county,~~ *shall* be approved by the county board of supervisors.
21 The plan or updated plan shall be submitted to the Board of State
22 and Community Corrections by May 1 of each year in a format
23 specified by the ~~board~~ *Board of State and Community Corrections*
24 that consolidates the form of submission of the annual
25 comprehensive *multiagency* juvenile justice ~~multiagency~~ plan to
26 be developed under this ~~chapter~~ *paragraph* with the form for
27 submission of the annual Youthful Offender Block Grant plan that
28 is required to be developed and submitted pursuant to Section 1961
29 of the Welfare and Institutions Code.

30 (A) The *comprehensive* multiagency juvenile justice plan shall
31 include, but not be limited to, all of the following components:

32 (i) An assessment of existing law enforcement, probation,
33 education, mental health, health, social services, drug and alcohol,
34 and ~~youth services resources that specifically target at-risk~~
35 ~~juveniles, juvenile offenders, and their families.~~ *community-based*
36 *youth development services and resources that specifically center*
37 *at-promise youth, youth involved in the juvenile court system, and*
38 *their families. Assessments shall prioritize soliciting direct feedback*
39 *on youth participants' satisfaction with existing services and*
40 *resources.*

1 (ii) An identification and prioritization of the neighborhoods,
 2 schools, and other areas in the community that ~~face a significant~~
 3 ~~public safety risk from juvenile crime, such as gang activity,~~
 4 ~~daylight burglary, late-night robbery, vandalism, truancy, controlled~~
 5 ~~substances sales, firearm-related violence, and juvenile substance~~
 6 ~~abuse and alcohol use. are vulnerable to court system involvement~~
 7 *due to high rates of poverty, a lack of educational and employment*
 8 *opportunities, racial discrimination, the incarceration of an*
 9 *at-promise youth's family members, and a high prevalence of*
 10 *community violence and crime.*

11 (iii) A local juvenile justice action strategy that provides for a
 12 continuum of ~~responses to juvenile crime and delinquency and~~
 13 ~~demonstrates a collaborative and integrated approach for~~
 14 ~~implementing a system of swift, certain, and graduated responses~~
 15 ~~for at-risk youth and juvenile offenders. care to prevent and~~
 16 *respond to young people experiencing juvenile court system*
 17 *involvement that is modeled on a framework of positive youth*
 18 *development and demonstrates a healing-centered, culturally*
 19 *competent, restorative, community-based, collaborative, and*
 20 *integrated approach for at-promise youth and youth involved in*
 21 *the juvenile court system.*

22 (iv) ~~A description of the programs, strategies, or system~~
 23 ~~enhancements that are proposed to be funded pursuant to this~~
 24 ~~subparagraph.~~

25 (iv) *A description of the target population for the program*
 26 *strategies that are proposed to be funded pursuant to this*
 27 *paragraph, including a description of the target population's race,*
 28 *ethnicity, age, gender identity, and ZIP Code of residence.*

29 (v) *Input from at-promise youth, youth involved in the juvenile*
 30 *court system and their families, and a description of the programs*
 31 *and strategies that are proposed to be funded pursuant to this*
 32 *subparagraph, including documentation of their effectiveness,*
 33 *specific objectives, and outcome measures.*

34 (B) ~~Programs, strategies, and system enhancements~~ *Programs*
 35 *and strategies* proposed to be funded under this ~~chapter~~ *paragraph*
 36 shall satisfy all of the following requirements:

37 (i) Be based on programs and approaches that have been
 38 demonstrated to be effective in ~~reducing delinquency and~~
 39 ~~addressing juvenile crime for any elements of response to juvenile~~
 40 ~~crime and delinquency, including prevention, intervention,~~

1 ~~suppression, and incapacitation.~~ *creating positive youth*
2 *development outcomes, helping young people avoid engagement*
3 *with law enforcement agencies, and reducing community violence*
4 *and crime. These programs and approaches shall be modeled on*
5 *healing-centered, culturally competent, restorative,*
6 *trauma-informed, and positive youth development approaches.*

7 (ii) Collaborate and integrate services of all the resources set
8 forth in clause (i) of subparagraph (A), to the extent ~~appropriate.~~
9 *appropriate, and prioritize collaboration with community-based*
10 *organizations.*

11 (iii) Employ information sharing systems to ensure that county
12 actions are fully coordinated, and designed to provide data for
13 measuring the success of ~~juvenile justice programs and strategies.~~
14 *programs and strategies funded by this paragraph, while still*
15 *protecting participant confidentiality in prearrest and prebooking*
16 *diversion programs. Personally identifying information shall not*
17 *be shared across agencies without the informed, voluntary,*
18 *revocable, and written consent of youth participants, or their*
19 *parents or legal guardians on behalf of minors.*

20 (C) *The local agency overseeing the request for proposals*
21 *process for funds provided under this paragraph shall engage*
22 *community stakeholders, including, but not limited to, at-promise*
23 *youth, youth involved in the juvenile court system and their*
24 *families, and the juvenile justice coordinating council in the*
25 *process of selecting which entities to which to distribute funds.*
26 *The local agency shall take into account the county's juvenile*
27 *justice plan and equity of funding across the county in the final*
28 *selection of proposals to be funded. The local agency overseeing*
29 *the request for proposals process for funds provided under this*
30 *paragraph may be any county agency that is not a law*
31 *enforcement-related agency, with preference for behavioral*
32 *health-related local agencies.*

33 ~~(E)~~

34 (D) To assess the effectiveness of ~~programs, strategies, and~~
35 ~~system enhancements~~ *programs and strategies* funded pursuant
36 to this paragraph, *the juvenile justice coordinating council of each*
37 county or city and county shall submit by October 1 of each year
38 a report to the county board of supervisors and to the Board of
39 State and Community Corrections on the ~~programs, strategies, and~~
40 ~~system enhancements~~ *programs and strategies* funded pursuant

1 to this ~~chapter~~ *paragraph*. The report shall be in a format specified
2 by the ~~board~~ *Board of State and Community Corrections* that
3 consolidates the report to be submitted pursuant to this chapter
4 with the annual report to be submitted to the ~~board~~ *Board of State*
5 *and Community Corrections* for the Youthful Offender Block
6 Grant program, as required by subdivision (c) of Section 1961 of
7 the Welfare and Institutions Code. The report shall include all of
8 the following:

9 (i) An updated description of the ~~programs, strategies, and~~
10 ~~system enhancements~~ *programs and strategies* that have been
11 funded pursuant to this ~~chapter~~ *paragraph* in the immediately
12 preceding fiscal year. *Descriptions shall include evidence*
13 *supporting the programs and strategies, including feedback from*
14 *youth participants.*

15 (ii) An accounting of expenditures during the immediately
16 preceding fiscal year for each ~~program, strategy, or system~~
17 ~~enhancement~~ *program and strategy* funded pursuant to this ~~chapter~~
18 ~~paragraph~~.

19 (iii) A description and expenditure report for ~~programs,~~
20 ~~strategies, or system enhancements~~ *programs and strategies* that
21 have been cofunded during the preceding fiscal year using funds
22 provided under this ~~chapter~~ *paragraph* and Youthful Offender
23 Block Grant funds provided under Chapter 1.5 (commencing with
24 Section 1950) of Division 2.5 of the Welfare and Institutions Code.

25 (iv) *An updated list of juvenile justice coordinating council*
26 *members, including their assigned seat and profession, if*
27 *applicable, and dates for all council meetings in the immediately*
28 *preceding fiscal year.*

29 ~~(iv)~~

30 (v) Countywide juvenile justice trend data available from
31 existing statewide juvenile justice data systems or networks, as
32 specified by the Board of State and Community Corrections,
33 including, but not limited to, arrests, diversions, petitions filed,
34 petitions sustained, placements, incarcerations, subsequent
35 petitions, and probation violations, *disaggregated by race,*
36 *ethnicity, gender identity, age, and ZIP Code of residence,* and
37 including, in a format to be specified by the ~~board~~, *Board of State*
38 *and Community Corrections*, a summary description or analysis,
39 based on available information, of how the ~~programs, strategies,~~
40 ~~or system enhancements~~ *programs and strategies* funded pursuant

1 to this ~~chapter~~ *paragraph* have or may have contributed to, or
2 influenced, the juvenile justice data trends identified in the report.

3 ~~(D)~~

4 ~~(E)~~ The ~~board~~ *Board of State and Community Corrections* shall,
5 within 45 days of having received the county’s report, post on its
6 internet website *the report and* a description or summary of the
7 ~~programs, strategies, or system enhancements~~ *programs and*
8 *strategies* that have been supported by funds made available to the
9 county under this ~~chapter~~ *paragraph*.

10 ~~(E)~~

11 ~~(F)~~ The Board of State and Community Corrections shall
12 compile the local reports and, by March 1 of each year following
13 their submission, make a report to the Governor and the Legislature
14 summarizing the ~~programs, strategies, and system enhancements~~
15 *programs and strategies* and related expenditures made by each
16 county and city and county from the appropriation made for the
17 purposes of this paragraph. The annual report to the Governor and
18 the Legislature shall also summarize the countywide trend data
19 and any other pertinent information submitted by counties
20 indicating how the ~~programs, strategies, or system enhancements~~
21 *programs and strategies* supported by funds appropriated under
22 this ~~chapter~~ *paragraph* have or may have contributed to, or
23 influenced, the trends identified. The ~~board~~ *Board of State and*
24 *Community Corrections* may consolidate the annual report to the
25 Legislature required under this paragraph with the annual report
26 required by subdivision (d) of Section 1961 of the Welfare and
27 Institutions Code for the Youthful Offender Block Grant program.
28 The annual report shall be submitted pursuant to Section 9795,
29 and shall be posted for access by the public on the internet website
30 of the ~~board~~ *Board of State and Community Corrections*.

31 ~~(G)~~ As used in this paragraph, “*at-promise youth*” means young
32 people up to 25 years of age, inclusive, who are vulnerable to court
33 system involvement due to high rates of poverty, a lack of
34 educational and employment opportunities, racial discrimination,
35 the incarceration of one or more of their family members, and a
36 high prevalence of community violence and crime.

37 (c) Subject to subdivision (d), for each fiscal year in which the
38 county, each city, the Broadmoor Police Protection District, the
39 Bear Valley Community Services District, the Stallion Springs
40 Community Services District, the Lake Shastina Community

1 Services District, and the Kensington Police Protection and
2 Community Services District receive moneys pursuant to paragraph
3 (3) of subdivision (b), the county, each city, and each district
4 specified in this subdivision shall appropriate those moneys in
5 accordance with the following procedures:

6 (1) In the case of the county, the county board of supervisors
7 shall appropriate existing and anticipated moneys exclusively to
8 provide frontline law enforcement services, other than those
9 services specified in paragraphs (1) and (2) of subdivision (b), in
10 the unincorporated areas of the county, in response to written
11 requests submitted to the board by the county sheriff and the district
12 attorney. Any request submitted pursuant to this paragraph shall
13 specify the frontline law enforcement needs of the requesting
14 entity, and those personnel, equipment, and programs that are
15 necessary to meet those needs.

16 (2) In the case of a city, the city council shall appropriate
17 existing and anticipated moneys exclusively to fund frontline
18 municipal police services, in accordance with written requests
19 submitted by the chief of police of that city or the chief
20 administrator of the law enforcement agency that provides police
21 services for that city.

22 (3) In the case of the Broadmoor Police Protection District
23 within the County of San Mateo, the Bear Valley Community
24 Services District or the Stallion Springs Community Services
25 District within ~~Kern County~~, *the County of Kern*, the Lake Shastina
26 Community Services District within ~~Siskiyou County~~, *the County*
27 *of Siskiyou*, or the Kensington Police Protection and Community
28 Services District within ~~Contra Costa County~~, *the County of Contra*
29 *Costa*, the legislative body of that special district shall appropriate
30 existing and anticipated moneys exclusively to fund frontline
31 municipal police services, in accordance with written requests
32 submitted by the chief administrator of the law enforcement agency
33 that provides police services for that special district.

34 (d) For each fiscal year in which the county, a city, or the
35 Broadmoor Police Protection District within the County of San
36 Mateo, the Bear Valley Community Services District or the Stallion
37 Springs Community Services District within ~~Kern County~~, *the*
38 *County of Kern*, the Lake Shastina Community Services District
39 within ~~Siskiyou County~~, *the County of Siskiyou*, or the Kensington
40 Police Protection and Community Services District within ~~Contra~~

1 ~~Costa County~~ *the County of Contra Costa* receives any moneys
2 pursuant to this chapter, in no event shall the governing body of
3 any of those recipient agencies subsequently alter any previous,
4 valid appropriation by that body, for that same fiscal year, of
5 moneys allocated to the county or city pursuant to paragraph (3)
6 of subdivision (b).

7 (e) For the 2011–12 fiscal year, the Controller shall allocate
8 23.54 percent of the amount deposited in the Local Law
9 Enforcement Services Account in the Local Revenue Fund 2011
10 for the purposes of paragraphs (1), (2), and (3) of subdivision (b),
11 and shall allocate 23.54 percent for purposes of paragraph (4) of
12 subdivision (b).

13 (f) Commencing with the 2012–13 fiscal year, subsequent to
14 the allocation described in subdivision (c) of Section 29552, the
15 Controller shall allocate 23.54363596 percent of the remaining
16 amount deposited in the Enhancing Law Enforcement Activities
17 Subaccount in the Local Revenue Fund 2011 for the purposes of
18 paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent
19 to the allocation described in subdivision (c) of Section 29552,
20 shall allocate 23.54363596 percent of the remaining amount for
21 purposes of paragraph (4) of subdivision (b).

22 (g) Commencing with the 2013–14 fiscal year, subsequent to
23 the allocation described in subdivision (d) of Section 29552, the
24 Controller shall allocate 23.54363596 percent of the remaining
25 amount deposited in the Enhancing Law Enforcement Activities
26 Subaccount in the Local Revenue Fund 2011 for the purposes of
27 paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent
28 to the allocation described in subdivision (d) of Section 29552,
29 shall allocate 23.54363596 percent of the remaining amount for
30 purposes of paragraph (4) of subdivision (b). The Controller shall
31 allocate funds in monthly installments to local jurisdictions for
32 public safety in accordance with this section as annually calculated
33 by the Director of Finance.

34 (h) Funds received pursuant to subdivision (b) shall be expended
35 or encumbered in accordance with this chapter no later than June
36 30 of the following fiscal year. A local agency that has not met
37 the requirement of this subdivision shall remit unspent SLESA
38 moneys received after April 1, 2009, to the Controller for deposit
39 in the Local Safety and Protection Account, after April 1, 2012,
40 to the Local Law Enforcement Services Account, and after July

1 1, 2012, to the County Enhancing Law Enforcement Activities
2 Subaccount. This subdivision shall become inoperative on July 1,
3 2015.

4 (i) In the 2010–11 fiscal year, if the fourth quarter revenue
5 derived from fees imposed by subdivision (a) of Section 10752.2
6 of the Revenue and Taxation Code that are deposited in the General
7 Fund and transferred to the Local Safety and Protection Account,
8 and continuously appropriated to the Controller for allocation
9 pursuant to this section, are insufficient to provide a minimum
10 grant of one hundred thousand dollars (\$100,000) to each law
11 enforcement jurisdiction, the county auditor shall allocate the
12 revenue proportionately, based on the allocation schedule in
13 paragraph (3) of subdivision (b). The county auditor shall
14 proportionately allocate, based on the allocation schedule in
15 paragraph (3) of subdivision (b), all revenues received after the
16 distribution of the fourth quarter allocation attributable to these
17 fees for which payment was due prior to July 1, 2011, until all
18 minimum allocations are fulfilled, at which point all remaining
19 revenue shall be distributed proportionately among the other
20 jurisdictions.

21 (j) The county auditor shall redirect unspent funds that were
22 remitted after July 1, 2012, by a local agency to the County
23 Enhancing Law Enforcement Activities Subaccount pursuant to
24 subdivision (h), to the local agency that remitted the unspent funds
25 in an amount equal to the amount remitted.

26 *SEC. 3. Section 749.22 of the Welfare and Institutions Code*
27 *is repealed.*

28 ~~749.22. To be eligible for this grant, each county shall be~~
29 ~~required to establish a multiagency juvenile justice coordinating~~
30 ~~council that shall develop and implement a continuum of~~
31 ~~county-based responses to juvenile crime. The coordinating~~
32 ~~councils shall, at a minimum, include the chief probation officer,~~
33 ~~as chair, and one representative each from the district attorney's~~
34 ~~office, the public defender's office, the sheriff's department, the~~
35 ~~board of supervisors, the department of social services, the~~
36 ~~department of mental health, a community-based drug and alcohol~~
37 ~~program, a city police department, the county office of education~~
38 ~~or a school district, and an at-large community representative. In~~
39 ~~order to carry out its duties pursuant to this section, a coordinating~~
40 ~~council shall also include representatives from nonprofit~~

1 community-based organizations providing services to minors. The
2 board of supervisors shall be informed of community-based
3 organizations participating on a coordinating council. The
4 coordinating councils shall develop a comprehensive, multiagency
5 plan that identifies the resources and strategies for providing an
6 effective continuum of responses for the prevention, intervention,
7 supervision, treatment, and incarceration of male and female
8 juvenile offenders, including strategies to develop and implement
9 locally based or regionally based out-of-home placement options
10 for youths who are persons described in Section 602. Counties
11 may utilize community punishment plans developed pursuant to
12 grants awarded from funds included in the 1995 Budget Act to the
13 extent the plans address juvenile crime and the juvenile justice
14 system or local action plans previously developed for this program.
15 The plan shall include, but not be limited to, the following
16 components:

17 (a) An assessment of existing law enforcement, probation,
18 education, mental health, health, social services, drug and alcohol
19 and youth services resources which specifically target at-risk
20 juveniles, juvenile offenders, and their families.

21 (b) An identification and prioritization of the neighborhoods,
22 schools, and other areas in the community that face a significant
23 public safety risk from juvenile crime, such as gang activity,
24 daylight burglary, late-night robbery, vandalism, truancy, controlled
25 substance sales, firearm-related violence, and juvenile alcohol use
26 within the council's jurisdiction.

27 (c) A local action plan (LAP) for improving and marshaling the
28 resources set forth in subdivision (a) to reduce the incidence of
29 juvenile crime and delinquency in the areas targeted pursuant to
30 subdivision (b) and the greater community. The councils shall
31 prepare their plans to maximize the provision of collaborative and
32 integrated services of all the resources set forth in subdivision (a),
33 and shall provide specified strategies for all elements of response,
34 including prevention, intervention, suppression, and incapacitation,
35 to provide a continuum for addressing the identified male and
36 female juvenile crime problem, and strategies to develop and
37 implement locally based or regionally based out-of-home
38 placement options for youths who are persons described in Section
39 602.

1 ~~(d) Develop information and intelligence-sharing systems to~~
2 ~~ensure that county actions are fully coordinated, and to provide~~
3 ~~data for measuring the success of the grantee in achieving its goals.~~
4 ~~The plan shall develop goals related to the outcome measures that~~
5 ~~shall be used to determine the effectiveness of the program.~~

6 ~~(e) Identify outcome measures which shall include, but not be~~
7 ~~limited to, the following:~~

8 ~~(1) The rate of juvenile arrests.~~

9 ~~(2) The rate of successful completion of probation.~~

10 ~~(3) The rate of successful completion of restitution and~~
11 ~~court-ordered community service responsibilities.~~

12 *SEC. 4. Section 749.22 is added to the Welfare and Institutions*
13 *Code, to read:*

14 *749.22. (a) For the purposes of this section, the following*
15 *definitions apply:*

16 *(1) "At-promise youth" means young people up to 25 years of*
17 *age, inclusive, who are vulnerable to court system involvement*
18 *due to high rates of poverty, a lack of educational and employment*
19 *opportunities, racial discrimination, the incarceration of one or*
20 *more of their family members, and a high prevalence of community*
21 *violence and crime.*

22 *(2) "Community representative" means an individual who is*
23 *currently or formerly justice system-involved, a system-impacted*
24 *family member, or a representative from a nonprofit,*
25 *community-based organization that provides services to youth and*
26 *that does not include law enforcement employees or staff.*

27 *(b) To be eligible for a grant under this article, each county*
28 *shall be required to establish a juvenile justice coordinating*
29 *council that shall develop and implement a continuum of care to*
30 *prevent and respond to young people experiencing juvenile court*
31 *system involvement that is modeled on a framework of positive*
32 *youth development and demonstrates a healing-centered,*
33 *restorative, community-based, collaborative, and integrated*
34 *approach for at-promise youth and youth involved in the juvenile*
35 *court system.*

36 *(c) (1) A juvenile justice coordinating council shall, at a*
37 *minimum, consist of at least 50 percent community representatives*
38 *and the remainder of seats shall be allocated to representatives*
39 *from governmental agencies.*

1 (2) *The juvenile justice coordinating council shall include an*
2 *at-promise youth, and either a person with experience in the*
3 *juvenile court system or a system-impacted family member. The*
4 *juvenile justice coordinating council may include one*
5 *representative each from the public health department, the district*
6 *attorney's office, the county probation department, the public*
7 *defender's office, the board of supervisors, the county department*
8 *of social services, the county department of mental or behavioral*
9 *health, a community-based drug and alcohol program, a city police*
10 *department, the county office of education or a school district, and*
11 *the county department of children, youth, and families, if one exists.*
12 *If a county board of supervisors or a county's juvenile justice*
13 *coordinating council's bylaws establish term limits, all individuals*
14 *of the council, including cochairs, shall be subject to these term*
15 *limits.*

16 (3) *A juvenile justice coordinating council shall elect two*
17 *cochairs from among its members, at least one of whom shall be*
18 *a community representative.*

19 (4) *The board of supervisors shall be informed of any*
20 *community-based organizations participating on a juvenile justice*
21 *coordinating council.*

22 (d) *A juvenile justice coordinating council shall meet no less*
23 *than three times per year and announce meetings at least 10 days*
24 *in advance. A juvenile justice coordinating council shall make*
25 *meetings accessible to the public through remote participation,*
26 *such as streaming and remote call-in options, and shall choose*
27 *meeting times that optimize and encourage public participation.*

28 (e) *A juvenile justice coordinating council shall develop a*
29 *comprehensive multiagency juvenile justice plan pursuant to*
30 *Section 30061 of the Government Code that identifies the resources*
31 *and strategies for providing an effective continuum of care for*
32 *at-promise youth, youth involved in the juvenile court system, and*
33 *their families.*

34 **SECTION 1.** ~~Section 602 of the Welfare and Institutions Code~~
35 ~~is amended to read:~~

36 ~~602. (a) Except as provided in Section 707, any minor who is~~
37 ~~between 12 years of age and 17 years of age, inclusive, when the~~
38 ~~minor violates any law of this state or of the United States or any~~
39 ~~ordinance of any city or county of this state defining crime other~~
40 ~~than an ordinance establishing a curfew based solely on age, is~~

- 1 ~~within the jurisdiction of the juvenile court, which may adjudge~~
- 2 ~~the minor to be a ward of the court.~~
- 3 ~~(b) Any minor who is under 12 years of age when the minor is~~
- 4 ~~alleged to have committed any of the following offenses is within~~
- 5 ~~the jurisdiction of the juvenile court, which may adjudge the minor~~
- 6 ~~to be a ward of the court:~~
- 7 ~~(1) Murder.~~
- 8 ~~(2) Rape by force, violence, duress, menace, or fear of~~
- 9 ~~immediate and unlawful bodily injury.~~
- 10 ~~(3) Sodomy by force, violence, duress, menace, or fear of~~
- 11 ~~immediate and unlawful bodily injury.~~
- 12 ~~(4) Oral copulation by force, violence, duress, menace, or fear~~
- 13 ~~of immediate and unlawful bodily injury.~~
- 14 ~~(5) Sexual penetration by force, violence, duress, menace, or~~
- 15 ~~fear of immediate and unlawful bodily injury.~~

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2079

Introduced by Assembly Member Bennett

February 5, 2024

An act to ~~amend Section 10735.4 of~~ *add Article 5 (commencing with Section 13807) to Chapter 10 of Division 7 of the Water Code, relating to groundwater.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2079, as amended, Bennett. ~~Sustainable Groundwater Management Act: groundwater basins. Groundwater extraction: large-diameter, high-capacity wells: permits.~~

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided.

Existing law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment

ordinance that meets or exceeds certain standards. Under existing law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance.

This bill would require a local enforcement agency, as defined, to perform specified activities at least 30 days before determining whether to approve a permit for a new large-diameter, high-capacity well, as defined. By imposing additional requirements on a local enforcement agency, the bill would impose a state-mandated local program. The bill would require a groundwater sustainability agency with oversight for the area of the basin where the local enforcement agency has well permitting jurisdiction to provide specified information to the local enforcement agency, including, but not limited to, the name of the applicable groundwater sustainability agency, the agency manager and contact information, and the applicable sustainable management criteria related to groundwater levels, including the groundwater level measurable objectives and minimum thresholds. The bill would provide various requirements for the local enforcement agency to consider before approving or denying a permit. The bill would provide exemptions for its provisions for specified wells if they are proposed to be constructed with well screens and pump depths below the applicable minimum thresholds for groundwater levels as reported by the groundwater sustainability agency. The bill would provide that its provisions apply only to applications for permits for the construction, maintenance, abandonment, or destruction of water wells in basins identified in the Department of Water Resources Bulletin 118.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Sustainable Groundwater Management Act, authorizes the State Water Resources Control Board to designate a groundwater basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary~~

basin. The act requires that a local agency or groundwater sustainability agency have 180 days to remedy the deficiency if the board designates the basin as a probationary basin.

~~This bill would make nonsubstantive changes to the latter provision.~~

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

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

1 SECTION 1. Article 5 (commencing with Section 13807) is
2 added to Chapter 10 of Division 7 of the Water Code, to read:

3

4

Article 5. Well Sustainability

5

6 13807. This article shall apply only to applications for permits
7 for the construction, maintenance, abandonment, or destruction
8 of water wells in basins identified in the Department of Water
9 Resources Bulletin 118.

10 13807.5. The Legislature finds and declares all of the
11 following:

12 (a) The groundwater extraction from large-diameter,
13 high-capacity wells can interfere with nearby drinking water wells
14 and result in impacts to critical infrastructure from subsidence.

15 (b) It is in the public interest to ensure that the permitting of
16 new wells extracting groundwater will be conducted to minimize
17 the impacts to drinking water wells and subsidence.

18 (c) Sustainable groundwater management in many parts of the
19 state requires coordination between local agencies permitting
20 water wells and groundwater sustainability agencies managing
21 groundwater basins.

22 (d) People, businesses, and industries seeking to construct or
23 operate water wells should be adequately informed about
24 groundwater conditions and groundwater management programs
25 that may affect the current or future use and operation of their
26 wells.

27 (e) Applicants seeking, and agencies permitting, the construction
28 and operation of water wells should take into account the reliability
29 and sustainability of the groundwater sources intended to be used
30 to avoid unexpected or unplanned well dewatering or loss of well
31 production capacity, which could lead to higher rates of

1 *unexpected, unplanned, or premature well abandonment and*
2 *dereliction that could pose additional threats to groundwater*
3 *quality.*

4 *(f) Agencies permitting for the construction and operation of*
5 *water wells should consider the potential for those wells to cause*
6 *or contribute to land subsidence, which can have impacts on water*
7 *quality by adversely affecting the concentration of naturally or*
8 *artificially occurring chemical constituents of concern and posing*
9 *other serious public health and economic problems.*

10 *13808. The following definitions shall apply to this article:*

11 *(a) “Large-diameter, high-capacity well” means any water well*
12 *with a diameter of more than eight inches and intended to produce*
13 *greater than two acre-feet annually.*

14 *(b) “Local enforcement agency” means any city, county, or*
15 *water agency that has adopted and is administering an ordinance*
16 *for the construction, maintenance, abandonment, or destruction*
17 *of a water well pursuant to this chapter.*

18 *13808.5. (a) A local enforcement agency shall perform all of*
19 *the following activities at least 30 days before determining whether*
20 *to approve a permit for a new large-diameter, high-capacity well:*

21 *(1) Provide electronic notice to the general public by posting*
22 *notice of receipt of the application and the contents of the*
23 *application on the local enforcement agency’s internet website.*

24 *(2) Provide notice to all groundwater sustainability agencies*
25 *managing within a 10-mile radius of a proposed well, including*
26 *those in adjacent basins or counties, as applicable.*

27 *(3) Provide notice to all other local enforcement agencies, if*
28 *any, administering well permitting programs within the basin in*
29 *which the activities covered in the application would occur.*

30 *(4) Provide written notice through the United States Postal*
31 *Service to the registered owners or agents of all parcels within a*
32 *one-mile radius of the site where the activities covered in the*
33 *application would occur and any relevant information on the well*
34 *permitting process.*

35 *(b) The groundwater sustainability agency with oversight for*
36 *the area of the basin where the local enforcement agency has well*
37 *permitting jurisdiction shall provide all of the following*
38 *information to the local enforcement agency:*

1 (1) *The name of the applicable groundwater sustainability plan*
2 *being implemented and where an electronic copy of the plan may*
3 *be accessed.*

4 (2) *The name of the applicable groundwater sustainability*
5 *agency, the agency manager and contact information, and the*
6 *applicable sustainable management criteria related to groundwater*
7 *levels, including the groundwater level measurable objectives and*
8 *minimum thresholds.*

9 (3) *The estimated depth to the groundwater level based on the*
10 *most recent monitoring conducted by the groundwater*
11 *sustainability agency for the area of the basin where the proposed*
12 *activities covered by the application would occur.*

13 (4) *Any fees, allocation, metering, spacing determinations, or*
14 *other regulations or ordinances that the groundwater sustainability*
15 *agency has adopted.*

16 (5) *Any updates to the information provided pursuant to this*
17 *subdivision as necessary, should changes occur.*

18 (c) *Before approving any well permit for a large-diameter,*
19 *high-capacity well, a local enforcement agency shall provide all*
20 *of the following information to the applicant:*

21 (1) *The basin name, number, and priority as assigned by the*
22 *department in its most recent Bulletin 118.*

23 (2) *The name of all groundwater sustainability agencies, if any,*
24 *managing the basin in which the activities covered in the*
25 *application would occur.*

26 (3) *Information on regulations or ordinances adopted by the*
27 *groundwater sustainability agency relevant to the construction*
28 *and operation of the proposed well.*

29 (4) *Notice to the applicant that the approval of the application*
30 *and granting of any associated permit is subject to the regulatory*
31 *authority of any groundwater sustainability agency managing the*
32 *portion of the basin in which the activities covered in the*
33 *application would occur. The notice shall specifically inform the*
34 *applicant that in addition to any regulatory authority already being*
35 *exercised, a groundwater sustainability agency may exercise*
36 *authority to limit groundwater extraction, the imposition of fees,*
37 *and metering.*

38 13809. (a) *A local enforcement agency shall not approve a*
39 *permit for a large-diameter, high-capacity well if that well is*
40 *proposed to be located within one-quarter mile of a well used for*

1 *supplying domestic water to one or more persons or to a*
 2 *community.*

3 *(b) (1) A local enforcement agency shall not approve a permit*
 4 *for a large-diameter, high-capacity well if that well is proposed*
 5 *to be located within one-quarter mile of an area that has subsided*
 6 *greater than 0.5 feet in total since January 1, 2015, as reported*
 7 *and defined by the department based upon provided InSAR*
 8 *subsidence data report posted on the Natural Resources Agency*
 9 *open data portal and department internet websites.*

10 *(2) A local enforcement agency may approve a permit for a*
 11 *large-diameter, high-capacity well if the area identified in*
 12 *paragraph (1) has not had subsidence of over 0.1 feet for four*
 13 *consecutive years, is consistent with the local groundwater*
 14 *sustainability plan, and is screened above geologic units known*
 15 *to be susceptible to compaction.*

16 *(c) A local enforcement agency shall not approve a permit for*
 17 *any well unless that well is screened below the minimum thresholds*
 18 *applicable to that portion of the basin as established by the*
 19 *groundwater sustainability agency pursuant to paragraph (2) of*
 20 *subdivision (b) of Section 13808.5.*

21 *(d) To ensure the reliability and long-term operation of wells*
 22 *within its jurisdiction, a local enforcement agency may determine*
 23 *not to approve an application or grant a permit based on criteria*
 24 *that are more stringent than those provided in this section.*

25 *13809.5. This article does not apply to applications or permits*
 26 *for the following wells if they are proposed to be constructed with*
 27 *well screens and pump depths below the applicable minimum*
 28 *thresholds for groundwater levels as reported by the groundwater*
 29 *sustainability agency pursuant to paragraph (2) of subdivision (b)*
 30 *of Section 13808.5 or otherwise provided to the local enforcement*
 31 *agency by the groundwater sustainability agency:*

32 *(a) Wells that will draw less than two acre-feet per acre.*

33 *(b) Wells that will be located on a parcel of five acres or fewer*
 34 *that is in an area that has been zoned by the local land use*
 35 *authority for rural residential use.*

36 *(c) Public supply wells or state small or community water*
 37 *systems.*

38 *SEC. 2. No reimbursement is required by this act pursuant to*
 39 *Section 6 of Article XIII B of the California Constitution because*
 40 *a local agency or school district has the authority to levy service*

1 *charges, fees, or assessments sufficient to pay for the program or*
2 *level of service mandated by this act, within the meaning of Section*
3 *17556 of the Government Code.*

4 SECTION 1. ~~Section 10735.4 of the Water Code is amended~~
5 ~~to read:~~

6 ~~10735.4. (a) If the board designates a basin a probationary~~
7 ~~basin pursuant to paragraph (1), (2), or (4) of subdivision (a) of~~
8 ~~Section 10735.2, a local agency or groundwater sustainability~~
9 ~~agency shall have 180 days to remedy the deficiency. The board~~
10 ~~may appoint a mediator or other facilitator, after consultation with~~
11 ~~affected local agencies, to assist in resolving disputes, and~~
12 ~~identifying and implementing actions that will remedy the~~
13 ~~deficiency.~~

14 ~~(b) After the 180-day period provided by subdivision (a), the~~
15 ~~board may provide additional time to remedy the deficiency if it~~
16 ~~finds that a local agency is making substantial progress toward~~
17 ~~remediating the deficiency.~~

18 ~~(c) The board may develop an interim plan pursuant to Section~~
19 ~~10735.8 for the probationary basin at the end of the period provided~~
20 ~~by subdivision (a) or any extension provided pursuant to~~
21 ~~subdivision (b), if the board, in consultation with the department,~~
22 ~~determines that a local agency has not remedied the deficiency~~
23 ~~that resulted in designating the basin a probationary basin.~~

Introduced by Senator Menjivar**(Principal coauthor: Senator Archuleta)**

(Principal coauthors: Assembly Members Cervantes and Schiavo)

February 13, 2024

An act to amend Section 1770 of the Civil Code, and to amend Section 401 of the Military and Veterans Code, relating to unfair business practices.

LEGISLATIVE COUNSEL'S DIGEST

SB 1124, as introduced, Menjivar. Deceptive practices: service members and veterans.

The Consumers Legal Remedies Act makes unlawful certain unfair methods of competition and certain unfair or deceptive acts or practices undertaken by a person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer, including charging or receiving an unreasonable fee, as defined, to prepare, aid, or advise any prospective applicant, applicant, or recipient in the procurement, maintenance, or securing of public social services, as defined to include, among other things, veterans pensions.

This bill would expand the definition of public social services to also include other veterans benefits. The bill would also expand the definition of an unreasonable fee to include a fee charged with respect to federal veterans benefits that exceeds the amount that could be charged for those services by an attorney or claims agent accredited by the United States Department of Veterans Affairs.

Existing law prohibits a person from, in connection with any transaction or any sale of goods or services, electronically accessing a Common Access Card (CAC) issued to a service member, placing or requiring the placement of such a CAC in a smart card reader, requesting

or requesting entry of the personal identification number (PIN) associated with such a CAC, or requiring a service member to log in to any United States Department of Defense or, in the case of a member of the United States Coast Guard, United States Department of Homeland Security computer system. Existing law makes void a transaction or sale entered into in violation of these provisions.

This bill would extend the above-described restrictions to prohibit requiring a former or current service member to log in or share their credentials for accessing, or accessing with another person's credentials, any United States Department of Defense, United States Department of Veterans Affairs, or United States Department of Homeland Security computer system. Except as provided, the bill would prohibit a person from, in connection with any transaction or any sale of goods or services, directly or indirectly soliciting, contracting for, charging, or receiving, or attempting to solicit, contract for, charge, or receive, any fee or compensation with respect to the preparation, presentation, or prosecution of any claim for benefits under the laws administered by the United States Department of Veterans Affairs. The bill would also make void a contract performed in violation of these provisions. The bill would make violations of these provisions a misdemeanor. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 1770 of the Civil Code, as added by
- 2 Section 3 of Chapter 400 of the Statutes of 2023, is amended to
- 3 read:
- 4 1770. (a) The unfair methods of competition and unfair or
- 5 deceptive acts or practices listed in this subdivision undertaken by
- 6 any person in a transaction intended to result or that results in the
- 7 sale or lease of goods or services to any consumer are unlawful:
- 8 (1) Passing off goods or services as those of another.

- 1 (2) Misrepresenting the source, sponsorship, approval, or
2 certification of goods or services.
- 3 (3) Misrepresenting the affiliation, connection, or association
4 with, or certification by, another.
- 5 (4) Using deceptive representations or designations of
6 geographic origin in connection with goods or services.
- 7 (5) Representing that goods or services have sponsorship,
8 approval, characteristics, ingredients, uses, benefits, or quantities
9 that they do not have or that a person has a sponsorship, approval,
10 status, affiliation, or connection that the person does not have.
- 11 (6) Representing that goods are original or new if they have
12 deteriorated unreasonably or are altered, reconditioned, reclaimed,
13 used, or secondhand.
- 14 (7) Representing that goods or services are of a particular
15 standard, quality, or grade, or that goods are of a particular style
16 or model, if they are of another.
- 17 (8) Disparaging the goods, services, or business of another by
18 false or misleading representation of fact.
- 19 (9) Advertising goods or services with intent not to sell them
20 as advertised.
- 21 (10) Advertising goods or services with intent not to supply
22 reasonably expectable demand, unless the advertisement discloses
23 a limitation of quantity.
- 24 (11) Advertising furniture without clearly indicating that it is
25 unassembled if that is the case.
- 26 (12) Advertising the price of unassembled furniture without
27 clearly indicating the assembled price of that furniture if the same
28 furniture is available assembled from the seller.
- 29 (13) Making false or misleading statements of fact concerning
30 reasons for, existence of, or amounts of, price reductions.
- 31 (14) Representing that a transaction confers or involves rights,
32 remedies, or obligations that it does not have or involve, or that
33 are prohibited by law.
- 34 (15) Representing that a part, replacement, or repair service is
35 needed when it is not.
- 36 (16) Representing that the subject of a transaction has been
37 supplied in accordance with a previous representation when it has
38 not.
- 39 (17) Representing that the consumer will receive a rebate,
40 discount, or other economic benefit, if the earning of the benefit

1 is contingent on an event to occur subsequent to the consummation
2 of the transaction.

3 (18) Misrepresenting the authority of a salesperson,
4 representative, or agent to negotiate the final terms of a transaction
5 with a consumer.

6 (19) Inserting an unconscionable provision in the contract.

7 (20) Advertising that a product is being offered at a specific
8 price plus a specific percentage of that price unless (A) the total
9 price is set forth in the advertisement, which may include, but is
10 not limited to, shelf tags, displays, and media advertising, in a size
11 larger than any other price in that advertisement, and (B) the
12 specific price plus a specific percentage of that price represents a
13 markup from the seller's costs or from the wholesale price of the
14 product. This subdivision shall not apply to in-store advertising
15 by businesses that are open only to members or cooperative
16 organizations organized pursuant to Division 3 (commencing with
17 Section 12000) of Title 1 of the Corporations Code if more than
18 50 percent of purchases are made at the specific price set forth in
19 the advertisement.

20 (21) Selling or leasing goods in violation of Chapter 4
21 (commencing with Section 1797.8) of Title 1.7.

22 (22) (A) Disseminating an unsolicited prerecorded message by
23 telephone without an unrecorded, natural voice first informing the
24 person answering the telephone of the name of the caller or the
25 organization being represented, and either the address or the
26 telephone number of the caller, and without obtaining the consent
27 of that person to listen to the prerecorded message.

28 (B) This subdivision does not apply to a message disseminated
29 to a business associate, customer, or other person having an
30 established relationship with the person or organization making
31 the call, to a call for the purpose of collecting an existing
32 obligation, or to any call generated at the request of the recipient.

33 (23) (A) The home solicitation, as defined in subdivision (h)
34 of Section 1761, of a consumer who is a senior citizen where a
35 loan or assessment is made encumbering the primary residence of
36 that consumer for purposes of paying for home improvements and
37 where the transaction is part of a pattern or practice in violation
38 any of the following:

39 (i) Subsection (h) or (i) of Section 1639 of Title 15 of the United
40 States Code.

1 (ii) Paragraph (1), (2), or (4) of subdivision (a) of Section 226.34
2 of Title 12 of the Code of Federal Regulations.

3 (iii) Section 22684, 22685, 22686, or 22687 of the Financial
4 Code.

5 (iv) Section 5898.16, 5898.17, 5913, 5922, 5923, 5924, 5925,
6 5926, or 5940 of the Streets and Highways Code.

7 (B) A third party shall not be liable under this subdivision unless
8 (i) there was an agency relationship between the party who engaged
9 in home solicitation and the third party, or (ii) the third party had
10 actual knowledge of, or participated in, the unfair or deceptive
11 transaction. A third party who is a holder in due course under a
12 home solicitation transaction shall not be liable under this
13 subdivision.

14 (24) (A) Charging or receiving an unreasonable fee to prepare,
15 aid, or advise any prospective applicant, applicant, or recipient in
16 the procurement, maintenance, or securing of public social services.

17 (B) For purposes of this paragraph:

18 (i) “Public social services” means those activities and functions
19 of state and local government administered or supervised by the
20 State Department of Health Care Services, the State Department
21 of Public Health, or the State Department of Social Services, and
22 involved in providing aid or services, or both, including health
23 care services, and medical assistance, to those persons who,
24 because of their economic circumstances or social condition, are
25 in need of that aid or those services and may benefit from them.

26 (ii) “Public social services” also includes activities and functions
27 administered or supervised by the United States Department of
28 Veterans Affairs or the California Department of Veterans Affairs
29 involved in providing aid or services, or both, to veterans, including
30 pension *and other veterans* benefits.

31 (iii) “Unreasonable fee” means a fee that ~~is~~ *is either or both of*
32 *the following:*

33 (I) *A fee that is* exorbitant and disproportionate to the services
34 performed. Factors to be considered, if appropriate, ~~in determining~~
35 ~~the reasonableness of a fee,~~ are based on the circumstances existing
36 at the time of the service and shall include, but not be limited to,
37 all of the following:

38 (⊕)

39 (ia) The time and effort required.

40 (⊕)

1 (ib) The novelty and difficulty of the services.

2 ~~(iii)~~

3 (ic) The skill required to perform the services.

4 ~~(iv)~~

5 (id) The nature and length of the professional relationship.

6 ~~(v)~~

7 (ie) The experience, reputation, and ability of the person
8 providing the services.

9 (II) *A fee charged with respect to federal veterans benefits that*
10 *exceeds the amount that could be charged for those services by*
11 *an attorney or claims agent accredited by the United States*
12 *Department of Veterans Affairs.*

13 (C) This paragraph shall not apply to attorneys licensed to
14 practice law in California, who are subject to the California Rules
15 of Professional Conduct and to the mandatory fee arbitration
16 provisions of Article 13 (commencing with Section 6200) of
17 Chapter 4 of Division 3 of the Business and Professions Code,
18 when the fees charged or received are for providing representation
19 in administrative agency appeal proceedings or court proceedings
20 for purposes of procuring, maintaining, or securing public social
21 services on behalf of a person or group of persons.

22 (25) (A) Advertising or promoting any event, presentation,
23 seminar, workshop, or other public gathering regarding veterans’
24 benefits or entitlements that does not include the following
25 statement in the same type size and font as the term “veteran” or
26 any variation of that term:

27 (i) “I am not authorized to file an initial application for Veterans’
28 Aid and Attendance benefits on your behalf, or to represent you
29 before the Board of Veterans’ Appeals within the United States
30 Department of Veterans Affairs in any proceeding on any matter,
31 including an application for those benefits. It would be illegal for
32 me to accept a fee for preparing that application on your behalf.”
33 The requirements of this clause do not apply to a person licensed
34 to act as an agent or attorney in proceedings before the Agency of
35 Original Jurisdiction and the Board of Veterans’ Appeals within
36 the United States Department of Veterans Affairs when that person
37 is offering those services at the advertised event.

38 (ii) The statement in clause (i) shall also be disseminated, both
39 orally and in writing, at the beginning of any event, presentation,

1 seminar, workshop, or public gathering regarding veterans’ benefits
2 or entitlements.

3 (B) Advertising or promoting any event, presentation, seminar,
4 workshop, or other public gathering regarding veterans’ benefits
5 or entitlements that is not sponsored by, or affiliated with, the
6 United States Department of Veterans Affairs, the California
7 Department of Veterans Affairs, or any other congressionally
8 chartered or recognized organization of honorably discharged
9 members of the Armed Forces of the United States, or any of their
10 auxiliaries that does not include the following statement, in the
11 same type size and font as the term “veteran” or the variation of
12 that term:

13
14 “This event is not sponsored by, or affiliated with, the United
15 States Department of Veterans Affairs, the California Department
16 of Veterans Affairs, or any other congressionally chartered or
17 recognized organization of honorably discharged members of the
18 Armed Forces of the United States, or any of their auxiliaries.
19 None of the insurance products promoted at this sales event are
20 endorsed by those organizations, all of which offer free advice to
21 veterans about how to qualify and apply for benefits.”

22
23 (i) The statement in this subparagraph shall be disseminated,
24 both orally and in writing, at the beginning of any event,
25 presentation, seminar, workshop, or public gathering regarding
26 veterans’ benefits or entitlements.

27 (ii) The requirements of this subparagraph shall not apply in a
28 case where the United States Department of Veterans Affairs, the
29 California Department of Veterans Affairs, or other congressionally
30 chartered or recognized organization of honorably discharged
31 members of the Armed Forces of the United States, or any of their
32 auxiliaries have granted written permission to the advertiser or
33 promoter for the use of its name, symbol, or insignia to advertise
34 or promote the event, presentation, seminar, workshop, or other
35 public gathering.

36 (26) Advertising, offering for sale, or selling a financial product
37 that is illegal under state or federal law, including any cash payment
38 for the assignment to a third party of the consumer’s right to receive
39 future pension or veteran’s benefits.

1 (27) Representing that a product is made in California by using
2 a Made in California label created pursuant to Section 12098.10
3 of the Government Code, unless the product complies with Section
4 12098.10 of the Government Code.

5 (28) (A) Failing to include either of the following in a
6 solicitation by a covered person, or an entity acting on behalf of
7 a covered person, to a consumer for a consumer financial product
8 or service:

9 (i) The name of the covered person, and, if applicable, the entity
10 acting on behalf of the covered person, and relevant contact
11 information, including a mailing address and telephone number.

12 (ii) The following disclosure statement in at least 18-point bold
13 type and in the language in which the solicitation is drafted: “THIS
14 IS AN ADVERTISEMENT. YOU ARE NOT REQUIRED TO
15 MAKE ANY PAYMENT OR TAKE ANY OTHER ACTION IN
16 RESPONSE TO THIS OFFER.”

17 (B) For purposes of this paragraph:

18 (i) “Consumer financial product or service” has the same
19 meaning as defined in Section 90005 of the Financial Code.

20 (ii) (I) “Covered person” has the same meaning as defined in
21 Section 90005 of the Financial Code.

22 (II) “Covered person” does not mean an entity exempt from
23 Division 24 (commencing with Section 90000) of the Financial
24 Code pursuant to Section 90002 of the Financial Code.

25 (iii) “Solicitation” means an advertisement or marketing
26 communication through writing or graphics that is directed to, or
27 likely to give the impression of being directed to, an individually
28 identified person, residence, or business location. “Solicitation”
29 does not include any of the following:

30 (I) Communication through a mass advertisement, including in
31 a catalog, on a radio or television broadcast, or on a publicly
32 accessible internet website, if that communication is not directed
33 to, or is not likely to give the impression of being directed to, an
34 individually identified person, residence, or business location.

35 (II) Communication via a telephone, mail, or electronic
36 communication that was initiated by a consumer.

37 (III) A written credit or insurance solicitation that is subject to
38 the disclosure requirements of subsection (d) of Section 1681m of
39 Title 15 of the United States Code.

1 (29) (A) Advertising, displaying, or offering a price for a good
2 or service that does not include all mandatory fees or charges other
3 than either of the following:

- 4 (i) Taxes or fees imposed by a government on the transaction.
- 5 (ii) Postage or carriage charges that will be reasonably and
6 actually incurred to ship the physical good to the consumer.

7 (B) Compliance by a person providing broadband internet access
8 service on its own or as part of a bundle, as defined in Section
9 8.1(b) of Title 47 of the Code of Federal Regulations, with the
10 broadband consumer label requirements adopted by the Federal
11 Communications Commission in FCC 22-86 on November 14,
12 2022, codified in Section 8.1(a) of Title 47 of the Code of Federal
13 Regulations, shall be deemed compliance with this paragraph.

14 (C) (i) For purposes of this subparagraph, “financial entity”
15 means an entity that is exempt from Division 24 (commencing
16 with Section 90000) of the Financial Code pursuant to Section
17 90002 of the Financial Code.

18 (ii) A financial entity that is required to provide disclosures in
19 compliance with any of the following federal or state acts or
20 regulations with respect to a financial transaction is exempt from
21 this paragraph for purposes of that financial transaction:

22 (I) The federal Truth in Savings Act, as amended (12 U.S.C.
23 Sec. 4301 et seq.).

24 (II) The federal Electronic Fund Transfer Act, as amended (15
25 U.S.C. Sec. 1693 et seq.).

26 (III) Section 19 of the Federal Reserve Act, as amended (12
27 U.S.C. Sec. 461 et seq.).

28 (IV) The federal Truth in Lending Act, as amended (15 U.S.C.
29 Sec. 1601 et seq.).

30 (V) The federal Real Estate Settlement Procedures Act, as
31 amended (12 U.S.C. Sec. 2601 et seq.).

32 (VI) The federal Home Ownership and Equity Protection Act
33 (15 U.S.C. Sec. 1639).

34 (VII) Any regulation adopted pursuant to any of the federal acts
35 in subclauses (I) to (VI), inclusive.

36 (VIII) The California Financing Law (Division 9 (commencing
37 with Section 22000) of the Financial Code).

38 (IX) The California Residential Mortgage Lending Act (Division
39 20 (commencing with Section 50000) of the Financial Code).

1 (X) The Real Estate Law (Part 1 (commencing with Section
2 10000) of Division 4 of the Business and Professions Code).

3 (XI) Any regulation adopted pursuant to any of the state acts in
4 subclauses (VIII) to (X), inclusive.

5 (b) (1) It is an unfair or deceptive act or practice for a mortgage
6 broker or lender, directly or indirectly, to use a home improvement
7 contractor to negotiate the terms of any loan that is secured,
8 whether in whole or in part, by the residence of the borrower and
9 that is used to finance a home improvement contract or any portion
10 of a home improvement contract. For purposes of this subdivision,
11 “mortgage broker or lender” includes a finance lender licensed
12 pursuant to the California Financing Law (Division 9 (commencing
13 with Section 22000) of the Financial Code), a residential mortgage
14 lender licensed pursuant to the California Residential Mortgage
15 Lending Act (Division 20 (commencing with Section 50000) of
16 the Financial Code), or a real estate broker licensed under the Real
17 Estate Law (Division 4 (commencing with Section 10000) of the
18 Business and Professions Code).

19 (2) This section shall not be construed to either authorize or
20 prohibit a home improvement contractor from referring a consumer
21 to a mortgage broker or lender by this subdivision. However, a
22 home improvement contractor may refer a consumer to a mortgage
23 lender or broker if that referral does not violate Section 7157 of
24 the Business and Professions Code or any other law. A mortgage
25 lender or broker may purchase an executed home improvement
26 contract if that purchase does not violate Section 7157 of the
27 Business and Professions Code or any other law. Nothing in this
28 paragraph shall have any effect on the application of Chapter 1
29 (commencing with Section 1801) of Title 2 to a home improvement
30 transaction or the financing of a home improvement transaction.

31 (c) This section shall become operative on July 1, 2024.

32 SEC. 2. Section 401 of the Military and Veterans Code is
33 amended to read:

34 401. (a) Application by a service member for, or receipt by a
35 service member of, a stay, postponement, or suspension pursuant
36 to this chapter in the payment of any tax, fine, penalty, insurance
37 premium, or other civil obligation or liability of that person shall
38 not itself, without regard to other considerations, provide the basis
39 for any of the following:

1 (1) A determination by any lender or other person that the
2 service member is unable to pay any civil obligation or liability
3 in accordance with its terms.

4 (2) With respect to a credit transaction between a creditor and
5 the service member, any of the following:

6 (A) A denial or revocation of credit by the creditor.

7 (B) A change by the creditor in the terms of an existing credit
8 arrangement.

9 (C) A refusal by the creditor to grant credit to the service
10 member in substantially the amount or on substantially the terms
11 requested.

12 (3) An adverse report relating to the creditworthiness of the
13 service member by or to any person or entity engaged in the
14 practice of assembling or evaluating consumer credit information.

15 (4) A refusal by an insurer to insure the service member.

16 (5) An annotation in a service member's record by a creditor
17 or a person engaged in the practice of assembling or evaluating
18 consumer credit information identifying the service member as a
19 member of the active militia, as defined in Section 120, or an active
20 or reserve component of the Armed Forces.

21 (b) A person shall not, in connection with the collection of any
22 obligation, including any debt or payment, falsely claim to be a
23 member or civilian employee of the Armed Forces, a component
24 of the active militia, as defined in Section 120, the *United States*
25 Department of Defense, the *United States* Department of Homeland
26 Security, or the Military Department, or identify themselves
27 through the use of any military rank, rating, or title.

28 (c) A person shall not, in connection with the collection of any
29 obligation, including any debt or payment, from a member of the
30 active militia, as defined in Section 120, or a member of an active
31 or reserve component of the Armed Forces, contact the member's
32 military unit or chain of command without the written consent of
33 the member given after the obligation becomes due and payable.

34 (d) (1) A person shall not, in connection with any transaction
35 or any sale of goods or services, ~~electronically~~ *do any of the*
36 *following:*

37 (A) *Electronically* access a Common Access Card (CAC) issued
38 to a service member, place or require the placement of such a CAC
39 in a smart card reader, *or request or request require* entry of the

1 personal identification number (PIN) associated with such a ~~CAC~~,
 2 ~~or require CAC.~~

3 (B) Require a current or former service member to log in to or
 4 share their credentials for accessing any United States Department
 5 of Defense or, in the case of a member of the Coast Guard, Defense,
 6 United States Department of Veterans Affairs, or United States
 7 Department of Homeland Security computer system. ~~A~~

8 (C) Access a United States Department of Defense, United States
 9 Department of Veterans Affairs, or United States Department of
 10 Homeland Security computer system with another person's
 11 credentials.

12 (2) A transaction or sale entered into or performed in violation
 13 of this subdivision is void.

14 (e) Except as provided in Sections 1984 and 5904 of Title 38 of
 15 the United States Code, a person shall not directly or indirectly
 16 solicit, contract for, charge, or receive, or attempt to solicit,
 17 contract for, charge, or receive, any fee or compensation with
 18 respect to the preparation, presentation, or prosecution of any
 19 claim for benefits under the laws administered by the United States
 20 Department of Veterans Affairs.

21 ~~(e)~~

22 (f) (1) A person shall not condition the receipt of a military or
 23 veteran discount, in any form, on the waiver by a recipient of the
 24 discount of any right the person has under state or federal law.
 25 Any such waiver is void.

26 (2) Any other waiver of a right provided to service members,
 27 former service members, or their dependents by this code is void.

28 ~~(f)~~

29 (g) Any person violating any provision of this section is liable
 30 for actual damages, reasonable attorney's fees, and costs incurred
 31 by the injured party.

32 ~~(g)~~

33 (h) Any person violating any provision of this section is guilty
 34 of a misdemeanor, and shall be punishable by imprisonment not
 35 to exceed one year or by a fine not to exceed one thousand dollars
 36 (\$1,000), or both.

37 SEC. 3. No reimbursement is required by this act pursuant to
 38 Section 6 of Article XIII B of the California Constitution because
 39 the only costs that may be incurred by a local agency or school
 40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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