

# Reentry Council

## City & County of San Francisco

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AGENDA

Thursday, April 22, 2021

10am- 12pm

<https://us02web.zoom.us/j/84613361632?pwd=d2RnOGg2LytXV2trZERKakRBQUJHdz09>

**Meeting ID: 836 0465 1555**

**Passcode: 851315**

One tap mobile

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Meeting ID: 836 0465 1555

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Find your local number: <https://us02web.zoom.us/u/kbEliWaVy6>

**REMOTE MEETING VIA VIDEOCONFERENCE** Watch via Zoom: In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

Reentry Council meetings will be held through videoconferencing will allow remote public comment via the videoconference or through the number noted above. Members of the public are encouraged to participate remotely by submitting written comments electronically to [victoria.westbrook@sfgov.org](mailto:victoria.westbrook@sfgov.org). These comments will be made part of the official public record in these matters and shall be brought to the attention of the members of the Reentry Council member. Explanatory and/or Supporting Documents, if any, will be posted at: <https://sfgov.org/sfreentry/>

Note: Each member of the public will be allotted no more than 2 minutes to speak on each item.

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1. Call to Order and Introductions.
2. Public Comment on Any Item Listed Below as for “Discussion Only.” (**NOTE:** public comment on items listed as “possible action” will occur during that agenda’s time).
3. Review and Adoption of Meeting Minutes of January 28, 2020 (discussion & possible action).
4. Staff Report on Activities of the Reentry Council and its Subcommittees (discussion & possible action).
  - a. Staff updates
    - i. Racial Equity Work- Criminal Justice Racial Equity Working Group
    - ii. Women’s Gender Responsive Work
  - b. Subcommittees updates
    - i. Direct Services Subcommittee
    - ii. Legislation, Policy, and Practices Subcommittee
    - iii. Women 1st
    - iv. Reentry Council Subcommittees Rosters
    - v. Updated Reentry Council Calendar (now includes the upcoming Women 1<sup>st</sup> Subcommittee meetings)
5. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, and Community Corrections Partnership, PRSPR, PROP 47, and STARR (discussion only)
6. Clipper® Means-Based Transit Fare Discount Pilot Program (discussion only)
7. Proposed Reentry Council Subcommittee Rules Amendment (discussion and possible action)
8. Women 1<sup>st</sup> Subcommittee Roster (discussion and possible action)
9. Current State Legislation (discussion & possible action)
  - a. AB 328, AB 333, AB 417, AB 7653, AB 717, AB 990, AB 1007
  - b. SB 106, SB 262, SB 271, SB 731
10. Council Members’ Comments, questions and Requests for Future Agenda Items (discussion only)
11. Public Comment on any item on today’s agenda, or on other business within the purview of the Reentry Council (discussion only)
12. Adjournment.

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### SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Reentry Council. Written comments should be submitted to: Victoria Westbrook, Interim Reentry Policy Planner, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94103, or via email: [reentry.council@sfgov.org](mailto:reentry.council@sfgov.org).

### MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfireentry.com> or by calling Victoria Westbrook at (415) 930-2202 during normal business hours. The material can be FAXed or mailed to you upon request.

### ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Victoria Westbrook at [reentry.council@sfgov.org](mailto:reentry.council@sfgov.org) or (415) 930-2202 at least two business days before the meeting.

### TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Victoria Westbrook at [reentry.council@sfgov.org](mailto:reentry.council@sfgov.org) or (415) 930-2202 at least two business days before the meeting.

### CHEMICAL SENSITIVITIES

To assist the City in its efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

### KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: [www.sfgov.org/sunshine](http://www.sfgov.org/sunshine).

### FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

Administrator  
Sunshine Ordinance Task Force  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place,  
San Francisco, CA 94102-4683.  
Telephone: (415) 554-7724  
Fax: (415) 554-5163  
E-Mail: [soft@sfgov.org](mailto:soft@sfgov.org)

### CELL PHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Co-Chairs may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco CA 94102, telephone (415) 581-2300, FAX (415) 581-2317, and web site <http://www.sfgov.org/ethics/>

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DRAFT Minutes

Thursday, January 28, 2021

10:00 a.m. to 12:00 p.m.

Virtual Meeting

### **Zoom Information:**

<https://us02web.zoom.us/j/84613361632?pwd=d2RnOGg2LytXV2trZERKakRBQUJHdz09>

Meeting ID: 846 1336 1632

Passcode: 854163

### **Dial by your location**

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**REMOTE MEETING VIA VIDEOCONFERENCE Watch via Zoom:** In accordance with Governor Gavin Newsom’s statewide order for all residents to “Stay at Home” – and with the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

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<https://sfgov.org/sfreentry/>

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Note: Each member of the public will be allotted no more than 2 minutes to speak on each item.

### **Members Present:**

Tara Anderson chairing for Chesa Boudin (District Attorney), Chief Karen Fletcher (co-chair) (SFAPD), Sheriff Paul Miyamoto (co-chair) (SFSD), Valerie Ibarra for Mano Raju (co-chair) (Public Defender), Jasmine Dawson (DCYF), Parole Agent Aspen Marshall (CDCR), Gregory Sims (State Parole), Katy Miller (Juvenile Probation), Angelica Almeida (DPH), Anthony Castellano (US Probation), Susie Smith for Trent Rohr (HSA), Karen Roye/(DCSS), Tajuana Gray (OEWD), Commander Peter Walsh (SFPD), Sheenia Branner (Mayoral Appointee), Yolanda Morissette (Board Appointee), Jabari Jackson (Board Appointee).

### **Members Absent:**

James Caldwell (Mayor's Office), Mark Culkins (Superior Court), Oscar Salinas (Board Appointee), Dedria Black (HSH), Norma Ruiz (Mayoral Appointee), Malik Wade (Mayoral Appointee), Michael Brown (Board Appointee).

### 1. Call to Order and Introductions.

Tara Anderson, Chairing on behalf for District Attorney Chesa Boudin called the meeting in order at 10:04am. She thanked everyone for being in the virtual meeting and acknowledge co-chairs, and informed the Council that District Attorney Chesa Boudin extends his apologies for missing the Reentry Council Meeting.

Tara Anderson started by acknowledging the Councils four chairs: Chief Karen Fletcher Adult Probation, Sheriff Miyamoto Sheriff Department, James Caldwell Mayor Breed's Office, Mano Raju Public Defender, and our 5<sup>th</sup> Chair the Formerly Incarcerated Seat held previously Jose Bernal whose term has ended. Tara Anderson also acknowledged that the Reentry Council will have another vacant seat for a Board of Supervisor and that currently we are waiting for an appointment by the President of the Board of Supervisors.

Sheriff updated the Reentry Council by introducing the newly appointed and sworn in Assistant Sheriff Tanzanika Carter.

Assistant Sheriff Carter introduced herself to the Reentry Council and Public. Assistant

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Sheriff Carter previously worked at the Sheriff Department from 1996 to the end of 1999 prior to transitioning to BART for 21 years. Assistant Sheriff Carter is glad to be home and her goals are to be supportive and a link to the Community.

Victoria Westbrook completed Reentry Council Roll Call, and gave a quick update on Zoom functions around the chat options for Public comments. Tara Anderson informed the Reentry Council that we had a packed agenda and our goal was to move through things swiftly today.

No Public Comment.

### 2. Public Comment on Items listed as for “Discussion Only”

No Public Comment

### 3. Review and Adoption of Meeting Minutes of October 22, 2020

Sheenia Branner brought forth motion to accept minutes and Karen Roye seconded the motion. Motion passed.

### 4. Staff Report on Activities of the Reentry Council

Victoria Westbrook informed the Council that the Criminal Justice Racial and Equity Working Group met on January 21<sup>st</sup>. During that meeting the Bright Research Group presented about Safety and Justice Challenge Fellowship Program. Our next meeting is scheduled for Thursday March 18<sup>th</sup> from 11am to 12pm. The Women’s Gender Responsive work is in the process of securing woman only transitional housing beds in partnership with the Senior Ex-Offender Program (SEOP) and Westside Community Services. Victoria’s goal is to roll out this program next month. In addition, the Adult Probation Department has just on boarded two Willie Brown Fellow who will be supporting the Women’s Gender Response work and our other Fellow will be working with the Housing Working Group, which is a Sub Group of the Direct Services subcommittee. Victoria also informed the group and public about updated Reentry Council Meeting and subcommittee Meeting dates and times for 2021. The Direct Services and LPP subcommittees have been going through some changes. We have had some extensive recruitment to increase membership. We had our subcommittee retreat on December 15<sup>th</sup> and both committees established their priorities for the first six months of 2021, and plan can be found in public packet.

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Destiny Pletsch from Adult Probation also informed the Council that in Partnership with USCF Citywide we recently launched our Community Assessment Services Center Website at [reentrysf.org](http://reentrysf.org).

Tara Anderson expressed gratitude to the hard work from the behind the scenes, Workgroup levels, and subcommittees work. She was very excited for priorities that have been identified

5. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Collaborative Courts, Community Corrections Partnership, LEAD, Prop 47, and STARR (discussion only)

Chief Katy Miller give a quick update on the Juvenile Justice Coordinating Council (JJCC). Chief Miller informed everyone that the JJCC is in every County, and it is the holder of our Juvenile Justice Coordinated Action Plan. The JJCC's last meeting was on December 14<sup>th</sup> and we discussed reinvigorating that body to be become the container for the various Juvenile Justice fighting efforts happening right now. We looked at data and reviewing important trends and tasks upon us. Our next meeting will happen in February and amending Bi-laws to make sure the body is more inclusive and structured to do the work. The one specific subcommittee that has already been created is charged with figuring out how San Francisco will work with closure of Department of Juvenile Justice (DJJ). Our first meeting to discuss plans for DJJ Closure will be Thursday February 4<sup>th</sup> at 3:30. We hope people and join the public meeting.

Karen Roye from DCSS informed the Reentry Council about the Sentencing Commission meeting on December 9<sup>th</sup> 2020. The Sentencing Commission had presentations on Jail Population Trends and their Annual Report that will be released soon if not already. There was also presentation given by Lizzie Buchen from the ACLU of Northern California on 2020 Criminal Justice Legislation and revisions to Penal Code. The Sentencing Commission will be meeting again in March 2021.

Angelica Almeida from DPH informed the Reentry Council that the LEAD Grant ended in September 2020 and many lessons were learned from that Grant. The Core pieces of the program have continued to support diversions from custody, and have low threshold services thru our Prop 47 STARR Grant. Currently there are two rounds of the Prop 47 funding as of now we are a No Cost Grant Extension. We did have a slow start with the Grant, but we do still have remaining funds and we can find creative opportunities to

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spend those unused funds. That allowed us to increase Detox and Residential Treatments Capacity at Salvation Army. During COVID-19 we found that there was a high Occupancy Rate and individuals being discharged from Custody quickly and being open to Treatment options. It has been great resource for individuals who have had contact with the Criminal Justice System. We are working with our Grantor the Board of State and Community Corrections to think of other ways to spend down funds. We have set aside some funds for potential barrier support for individuals leaving treatment and needing housing support. We also purchased Telehealth Equipment since COVID-19 changed the way we engage with individuals. The STARR Grant is our Second round of Prop 47 both are simultaneously funded. We are working with the Board of State and Community Corrections to ensure we can spend all of our funds down by deadline.

Chief Fletcher from Adult Probation gave an update on the Community Corrections Partnership that is directly related to State Realignment AB-109 that is close to its 10 year anniversary. The Executive Committee of that body are scheduled to meet on February 12<sup>th</sup> at Noon. Our goal is to continue to have discussion on a more thorough evaluation of how we have rolled out funding for AB-109 that goes directly to the Sheriff Department and Adult Probation Department. Those funds are used to help support individuals who are returning home.

Collaborative Courts Representative not in attendance at today's meeting.

Tara Anderson asked Reentry Council has any questions or comments about the amazing work going on in these collective spaces. No comments from Council Members.

6. Proposed Reentry Council Subcommittee Rules Amendment (discussion & possible action)

Tara Anderson informed the Council the info is in our materials packet on pages 14 to 18, and called upon Victoria Westbrook give more information around about the rules being amendment.

Victoria Westbrook provided some clarity on the purposed changes. The actual changes are on page 15 of the Packet. The only change we are purposing to make is before the Council only approved new rosters for subcommittees in July's Annual Meeting. Due to different changes we've made to the Direct Services Committee such as changing time frame that Committee met, and providing Incentives as Stipends for Justice Involved People. Due to the active recruiting that has occurred we would like to make changes to



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rosters at other times during the year. The reason why this is important is because people stop attending Committee meetings which leads to issues and problems around Quorum. Additionally we now have three chair people for Direct Subcommittee and two chairs for the LPP.

Tara Anderson asked if members has any questions about the proposed amendments to the Sub Committee rules or by laws. No Questions or Concerns.

Chief Kathy Miller motions follow by Chief Karen Fletcher. All in favor motion passed.

### 7. Updated Direct Services Legislation, Policy, and Practices Subcommittee Rosters (discussion & possible action).

Tara Anderson informed Council that information is in pages 21 to 24 in materials. Over the past several years, the Direct Services subcommittee has struggled with membership. In the July 2020 Staff from Adult Probation proposed incenting participation to Justice Involved individuals by providing stipends. In August 2020 when Victoria Westbrook took over Interim Reentry Policy Planner she did an extensive work to increase the subcommittee membership. At one of the subcommittee meetings she had 60 plus individuals participating and most of the participants were Justice Involved. The updated subcommittee Rosters being on page 21 of the packet.

No Comments or Questions. Chief Fletcher brought forth Motion and Sheenia Branner Seconded Motion.

All in favor motion passes.

### 8. Justice Involved Co-Chair.

Tara Anderson informed Council that last year they voted to add a sixth Co-chair which would be justice involved. This officer is decided by a majority vote of the sitting justice involved council members. This co-chair seat became vacant when Jose Bernal's term ended last year. I am happy to announce Jabari Jackson as the new Justice Involved Co-Chair.

Jabari Jackson informed the Public and the Council that it is an honor and it is our time to

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do the work. He was honored and grateful to be a part of the work to create change.

9. Creating a 3rd subcommittee of the Reentry Council, the Women 1st Subcommittee, specifically to address issues related to justice involved cis and trans women and gender non-confirming individuals (discussion and possible action)

Tara informed Council that there are no items in packet related to information. She called upon Victoria Westbrook to give Council update on a Agenda Item Nine. She informed the Council that although woman make up a small population of our incarcerated community. They rate at which Woman are incarcerated is increasing across the Country. In April of 2013 the Woman's Community Justice Reform Blue Print was completed. The Blue Print outlined multiple strategies to reduce recidivism and improve Reentry outcomes for Justice Involved Woman. Victoria's Woman Gender Response Coordinator Position grew out of recommendations from this Blue Print. In June of 2018 Geoffrea Morris created the Woman Justice Reform Initiative. Our next step or goal or step should be to create a 3<sup>rd</sup> subcommittee that is focused on Issues related to Justice Involved Woman and Gender non-confirming folks. As a way to continue to have a platform to advance and keep body informed.

Karen Roye DCSS commented in support of this movement and it is well overdue. Our goal should be to lift the voices of Women and Non-Gender Confirming People. She then followed by Motion to approve 3<sup>rd</sup> Committee seconded Sheriff Miyamoto. All in Favor motioned carries.

Victoria informed the Council that she will be reaching out to various Community Groups that work with Justice Involved Woman and Gender Non-Conforming People. To schedule and begin meeting for the first 6 to 12 months of 2021.

10. Proposed amendment to the Reentry Council Bylaws, adding the reading of a Ramaytush (pronounced rah-my-toosh) Ohlone Land Acknowledgement at the beginning of Council meetings (discussion and possible action)

Tara Anderson informed Council that n December 8, 2020, the Board of Supervisors amended their Rules of Order, adding Rule 4.7.1 which declared that the President would read a Ramaytush (rah-my-toosh) Ohlone Land Acknowledgement after the Roll Call during Board of Supervisor Meetings. The motion amending the Rules of Order of the Board of Supervisors begins on page 25 of the public packet.

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On page 29, please find the proposed amendment to the Reentry Council Bylaws codifying the reading of similar Ramaytush (rah-my-toosh) Ohlone Land Acknowledgement at the beginning of Reentry Council meetings.

Tajuana Gray OEWD commented that as a part of our Racial Equity Plan we have been working with our Boards and Commission to have it adopted. Based on history of harm it's a great first step in acknowledgment around Racial Equity and that Harm.

Tara Anderson proposed that we take on a similar amendment to our bylaws. She gave thanks to bringing this forward so we can honor the land and engage in these conversations.

No other Member Comments.

Tara Anderson informed the Reentry Council that the G. Ramaytush Ohlone Land Acknowledgement which would read: At the beginning of each meeting, after the Call to Order, the Chair shall read the following Ramaytush Ohlone Land Acknowledgement: "The Community Corrections Partnership of San Francisco acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples."

Motion by Susie Smith HSA and Seconded by Jabari Jackson. All in Favor motion passed.

### 11. Council Members' Comments, questions and Requests for Future Agenda Items (discussion only)

Tara Anderson gave the floor to Chief Karen Fletcher. We wanted to honor Norma Ruiz who was not able to make it today for her service. Her term has come to an end and she has been very engaged for the last 2 years. We hope that next time we can give her a

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Certificate from the Reentry Community and also a Certificate of honor prepared by Supervisor Stephanie for her service on the Reentry Council.

Karen Roye DCSS informed the Council Members that she wanted to Report on COVID-19 and the impacted on the Reentry Community. She wanted to have a better understanding of the needs of the Reentry Community during this time.

12. Public Comment on any item on today's agenda, or on other business within the purview of the Reentry Council (discussion only)

No Comments or messages in Zoom Chat. Tara Anderson gave thanks to Victoria for running a smooth Reentry Council Meeting via Zoom.

13. Adjournment

Suzie Smith HSA Motion to Adjourn Seconded by Chief Miller. All in Favor motion passes Meeting Adjourned.

## Westbrook, Victoria (ADP)

**From:** Reentry Council of the City and County of San Francisco  
<victoria.westbrook@sfgov.org>  
**Sent:** Tuesday, March 16, 2021 5:34 PM  
**To:** Westbrook, Victoria (ADP)  
**Subject:** Women's Gender Responsive Newsletter: March 2021

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

### San Francisco Adult Probation

women  
1st



A Newsletter for Women Impacted by the Justice System

Dear Community,

The needs of cis and trans women and gender nonconforming people who are justice involved are unique and do not get a responsive level of resources compared to male counterparts.

Let's change that and put Women First!

Through strong collaborations with community and City partners, infused with comprehensive and integrated programs and services, we can improve outcomes for justice involved cis and trans women and gender nonconforming individuals and their families. This quarterly newsletter is one step in an effort to strengthen the safety net. Looking forward to connecting soon!

#### Victoria Westbrook

Women's Gender Responsive Coordinator, Reentry Division  
San Francisco Adult Probation Department



#### Victoria's Journey

After being released from prison in 2016, Victoria worked with a community-based organization advancing employment opportunities for justice involved individuals. In 2019, Victoria was hired by the San Francisco Adult Probation Department to implement a platform of women's gender responsive services and policies to improve outcomes for justice involved women.

[Email Victoria Westbrook](#)

## Women's History Month

March is Women's History Month

The month of March is a suitable time to reflect on the progress made, call for more justice, and celebrate the courage and determination of women who have played a key role in their communities to achieve an equal future for all. Though the world has made progress, there is still a lot to accomplish for all members of our society to have equal opportunities. Let us continue to celebrate and acknowledge the contributions women have made and continue to make in our communities every day. View full article: Click [here](#)

**“Women’s History Month is a time to celebrate women’s achievements, raise awareness about women’s equality and lobby for gender parity. It is a time to acknowledge the trailblazing women around the world, both past and present, for leading the way. As Eleanor Roosevelt said, “Well-behaved women rarely make history.”**

**CHIEF KAREN FLETCHER, SF ADULT PROBATION**

**“It means to me that women are beautiful, powerful and the queens of the universe. I think every day, every month is Women’s History month and I love being a WOMAN. I surround myself with uplifting women who support one another in their journeys.”**

**YOLANDA MORISSETTE, BOARD OF SUPERVISORS APPOINTEE**

**“As a first generation, African-Latina, lesbian-mother, I know with all certainty that I stand in the footsteps of countless unapologetically powerful, creative, and brilliant women who came before me. My matriarchs stood firm and fearlessly refused to be oppressed, quite, broken, or submit to any notion that their lives didn’t matter.”**

**CRISTEL TULLOCK, ACTING DEPUTY CHIEF SF ADULT PROBATION**

**“Women’s history month means honoring and celebrating the strong women who paved the way for my generation, knowing there is more work to be done.”**

**DONNA HILLARD, ACTING DEPUTY CHIEF SF ADULT PROBATION**

**“I think we should remember and acknowledge all of the significant contributions women have made in our history every day because there are far too many to restrict it to just one month! During this month it is important to remind others of the inspiring women that have come before us and the amazing women in our own communities that continue to pave a better way for our sisters coming after us in hopes that one day we will have gender parity.”**

**VICTORIA WESTBROOK, WOMEN’S GENDER RESPONSIVE COORDINATOR AND INTERIM REENTRY POLICY PLANNER**

***“When we as women support other women incredible things happen... I MEAN INCREDIBLE!”***

**TRACI WATSON, FOUNDER, SISTER’S CIRCLE WOMEN SUPPORT NETWORK**

## **Women 1st Subcommittee**



# WOMEN 1ST SUBCOMMITTEE

On January 28, 2021, the Reentry Council unanimously voted to create a new advisory subcommittee called, Women 1st. The *Women 1st Subcommittee* focuses on the reentry issues facing justice involved cis and trans women and gender nonconforming people returning to our community to ensure that they have services and support to meet their unique needs.

**Upcoming Women 1st Subcommittee Meeting:  
Wednesday, March 17, 2021 at 5:30pm  
Via Zoom**

If you are interested in becoming a member of the Women 1st Subcommittee or would like more information, please contact:

**Victoria Westbrook, the Interim Reentry Policy Planner and Women's Gender Responsive Coordinator for the Adult Probation Department at [victoria.westbrook@sfgov.org](mailto:victoria.westbrook@sfgov.org).**

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The purpose of the Reentry Council of the City & County of San Francisco is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.

The mission of the Reentry Council Subcommittees is to assist the San Francisco Reentry Council in addressing issues related to the reentry population. The Subcommittees are comprised of clients, nonprofit service providers, government workers, advocates, community members, and other individuals who are deeply invested in improving the criminal justice system and its treatment of the reentry population.

**Inspire**



### To Excite, Encourage or Motivate

**Terri Raiford's** journey was not easy along the way. However, the unconditional love and support she receives from her family and friends inspire her to never give up. "I now see my potential to work everything out. I just have to take it one day at a time, take care of myself and love myself."

*Terri Raiford*

[Click here to view full story](#)

## Hope



### AB990 would make visiting incarcerated people a right rather than a privilege

On February 18, 2021, Assemblymember Rob Bonta, introduced bill AB 990 also known as the 2021 Family Unity Bill. This bill is designed to make personal visits of incarcerated individuals a right rather than a privilege. Incarcerated people are not isolated individuals. They are mothers, fathers, sons, daughters, and brothers. Their incarceration impacts not only their lives but the lives of their families. Maintaining strong family relationships during incarceration benefits everyone.

*"Visiting should be more than a privilege," said Dorsey Nunn, Executive Director of Legal Services for Prisoners with Children.*

[Click here to view full story](#)

## Change

### Join one of the weekly Women's Empowerment Support Groups



#### Sister's Circle (via Zoom)

**Tuesday from 1:00pm - 2:00pm**  
Meeting ID: 837 4928 3109  
Passcode: 380630

**Thursday from 3:00pm - 4:00pm**  
Meeting ID: 840 0800 3399  
Passcode: 854745






### **Solutions for Women (via Zoom)**

**Tuesdays from 6:30pm - 8:00pm**  
Meeting ID: 211 052 282  
Passcode: 711010

### **Join the monthly Women's Education Support Group**



**Because Black Is Still Beautiful:  
Just Say Know Program (Zoom)**

**Meets the 1st Saturday of every month  
at 12:00pm**  
Meeting ID: 846 8484 3030  
No password required.

# transformations

## **Gender Inclusive Reentry Programs**

The Gender Inclusive Reentry Program has new services provided under the direction of A Woman's Place. The Gender Inclusive Reentry Program specifically caters to transgender women and non-binary folks who are either currently incarcerated or those who were formerly incarcerated and are now back in the community.

The goal of this program is to become a pathway to a positive, alternative way of living. We hope to achieve this goal by extending emotional support, coordinating care, and offering peer-based individual and group support. We also provide resources, including vocational and educational opportunities as well as assistance with accessing residential support and/or obtaining housing.

The Gender Inclusive Reentry program is a structured program, where a client undergoes an intake process while incarcerated or once they are released and are seeking services. While in the program, they will attend weekly meetings with their Case Manager as well as required weekly groups in order to access the support they truly need. There are also additional rules and regulations of the program, including treating others with kindness and respect.

Their Mission is to embrace this underserved population of women and TGNC folks by making them feel welcomed, engaged, and supported. We promote evidence-based practices, ensure the confidentiality of each individual, and welcome all forms of cultural diversity.



For more information about the Gender Inclusive Program, please contact:

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## TranSHEroes Spotlight

### **Stephanie Gray**

Stephanie Gray has been an LGBTQ+ advocate for over 20 years. She has overcome many challenges to become who she is today. Her extensive work in San Francisco as an advocate and Case Manager for trans women is why she is our local Shero in this issue. She said, *"I am living proof you can change your life and be your authentic self."*

[Click here to view full story](#)

## Upcoming Event

Brought to you by  
The Transgender Pilot Program TPP

# Health Fair

Friday March 26, 12-4pm

- Covid Vaccine Info
- Transgender Resources from other agencies
- Drag Show
- Emcees: Landa Lakes & Just Shannon

Live on YouTube Channel: TransPilot Program

tppprogramssf@gmail.com

For more information contact  
Tracey Helton at Tracey.Helton@sfdph.org



Visit the new CASC  
Website:

[reentrysf.org](http://reentrysf.org)



**Check it Out!**  
**Getting Out & Staying Out  
Resource Guide:**

**[sf-goso.org](http://sf-goso.org)**



**Visit the Both Sides of the  
Conversation Website:**

**[bothsidesoftheconversation.org](http://bothsidesoftheconversation.org)**

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# Reentry Council of the City and County of San Francisco

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## 2021 Meeting Calendar

**Council Meetings:** 4th Thursday of the first month of each quarter 10am-12pm

- January 28, 2021 - Zoom Meeting
- April 22, 2021 - Zoom Meeting
- July 22, 2021 - Zoom Meeting
- October 28, 2021 - TBD

**Subcommittee on Direct Services:** 2<sup>nd</sup> Thursday of all uneven months 5:30-7:30pm

- January 14, 2021 - Zoom Meeting
- March 11, 2021 - Zoom Meeting
- May 13, 2021 - Zoom Meeting
- July 8, 2021 - Zoom Meeting
- September 9, 2021 - TBD
- November 11, 2021 - TBD

**Subcommittee on Legislation, Policy and Practices:** 4th Wednesday of all uneven months 2:30-4:30pm

- January 27, 2021 - Zoom Meeting
- March 24, 2021 - Zoom Meeting
- May 26, 2021 - Zoom Meeting
- July 28, 2021 - Zoom Meeting
- September 22, 2021 - TBD
- November 24, 2021 - TBD

**Women 1<sup>st</sup> Subcommittee:** 1st Wednesday of all months 5:30-7:30pm

- May 5, 2021 - Zoom Meeting
- June 2, 2021 - Zoom Meeting
- July 7, 2021 - Zoom Meeting
- August 4, 2021 - TBD
- September 1, 2021 - TBD
- October 6, 2021 - TBD
- November 24, 2021 - TBD

**Slated Community Events supported and/or hosted by Reentry Council**

- 4th Annual Community Appreciation Dinner at Cathedral of St. Mary of the Assumption Event Center located at 1111 Gough St (Date to be Announced)
- 3rd Annual Recovery Summit at the Koret Auditorium in the Main Library (Date to be Announced)
- 8<sup>th</sup> Annual Restorative Justice Reentry Conference and Resource Fair at Cathedral of St. Mary of the Assumption Event Center located at 1111 Gough St (Date to be Announced)

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## of the City & County of San Francisco

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# Women 1<sup>st</sup> Subcommittee

## Reentry Council of the City & County of San Francisco

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Clipper® Means-Based Transit Fare Discount Pilot Program  
Launch and Expansion







**Background:**  
A means-based transit fare discount pilot

- ▶ Growing need for discounted transit fares for low-income adults.
- ▶ 2015 study determine desirability and viability of a means-based pilot
- ▶ Commitment to develop a discounted fare program making Bay Area public transit more accessible to low-income adults.

CLIPPER **START** ▶▶



**Well-defined goals**

IMPLEMENTATION				IMPACT	
<b>AWARENESS</b>	<b>POSITIVE EXPERIENCE</b>	<b>FINANCIAL VIABILITY</b>	<b>ADMINISTRATIVE FEASIBILITY</b>	<b>AFFORDABILITY</b>	<b>INCREASED ACCESS</b>
					
Customers aware of program	Easily accessible	Feasible for operators and region	Management feasible	Participants less burdened	Access to opportunities

**Clipper START Launch & Participating Agencies**

<b>PARTICIPATING AGENCIES</b>	<ul style="list-style-type: none"> <li>• BART (20%)</li> <li>• Caltrain (50%)</li> <li>• Golden Gate Transit (50%)</li> <li>• SFMTA (50%)</li> </ul>
<b>ELIGIBILITY</b>	<ul style="list-style-type: none"> <li>• Adults earning &lt; 200% Federal Poverty Level (Approximately \$52k annual income for household of 4)</li> </ul>
<b>IMPLEMENTATION</b>	<ul style="list-style-type: none"> <li>• Offered through Clipper®</li> <li>• Pilot: 18 Months</li> <li>• Centrally administered for the region</li> </ul>

### Transit Agency Expansion

Phase 2 Transit Operators	
AC Transit	SoTrans
County Connection	Sonoma County Transit
FAST	Tri Delta Transit
Marin Transit	Union City Transit
Napa Vine	Vacaville City Coach
Petaluma Transit	WestCAT
SMART	WETA
SamTrans	Wheels (LAVTA)
Santa Rosa City Bus	

**Clipper® START Program Level of Discount Offering**

- Orange: Offering 50% Discount
- Blue: Offering 25% Discount

### Comprehensive outreach to promote the program

- Social Service Agencies
- Advertising
- Community Based Organizations
- Participating Transit Agencies

### Simple application process

- APPLICANT
- CUSTOMER APPLIES
- ELIGIBILITY VERIFIER REVIEWS AND CONFIRMS INFORMATION
- PERSONALIZED CARD MAILED

**Bay Area Clipper**  
Clipper START launched today and is now accepting applications! Bay Area residents age 18-64 who live...  
**START SAVING with Clipper START!**  
Up to 50% off transit for eligible riders.  
Learn more at [clipperstart.com](#) #START

### How do individuals apply?

DESKTOP OR MOBILE OR BROCHURE

**Requirements**

- PROOF OF IDENTITY
- PROOF OF INCOME
- BAY AREA MAILING ADDRESS
- ANSWER SURVEY QUESTIONS







### Acceptable documentation—scan or take a photo

**PROOF OF IDENTITY (need one)**

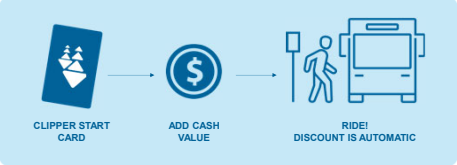
- ▶ Driver's license
- ▶ Passport
- ▶ City or State ID Card
- ▶ Permanent Resident Card
- ▶ US Military Card
- ▶ Matricular Consular Card

**PROOF OF INCOME (need one)**

- ▶ EBT or Medi-Cal card
- ▶ SFMTA Lifeline Pass
- ▶ County Benefits Eligibility Letter
- ▶ Tax Form








### Start saving with Clipper START!




CLIPPER START CARD → ADD CASH VALUE → RIDE! DISCOUNT IS AUTOMATIC

### How can you help your clients?







DISTRIBUTE BROCHURES




CREATE A CLIPPER START WEB PAGE



SEND CLIENTS A LINK TO THE CLIPPER START CARD APPLICATION



GIVE US YOUR FEEDBACK!



ASSIST CLIENTS WITHOUT STABLE ADDRESSES

### Level of Clipper START Fare Discounts

50% discount	20% discount	
Caltrain	AC Transit	Santa Rosa City Bus
Golden Gate Transit & Ferry	BART	SolTrans
Marin Transit	City Coach	Sonoma County Transit
Muni	County Connection	Tri Delta Transit
SamTrans	FAST	Union City Transit
San Francisco Bay Ferry	Napa VINE	WestCAT
SMART	Petaluma Transit	Wheels

### Questions about the application?



Go to [clipperstartcard.com](http://clipperstartcard.com) and look at FAQs.  
Order brochures & materials through the website.

Clipper START Customer Service also available:  
855-614-9149

[help@clipperstartcard.com](mailto:help@clipperstartcard.com) (general customer service)

[orders@clipperstartcard.com](mailto:orders@clipperstartcard.com)  
(brochure/materials orders)



1 **Reentry Council of the City and County of San Francisco**  
2 **Reentry Council Subcommittees**

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3  
4  
5  
6 **Mission**

7 The mission of the Reentry Council Subcommittees ("Subcommittees") is to assist the  
8 Reentry Council of the City & County of San Francisco ("Reentry Council") in addressing  
9 issues related to the reentry population. The Subcommittees are comprised of previously  
10 incarcerated people, other individuals who are deeply invested in improving the criminal  
11 justice system and its treatment of the reentry population, nonprofit services providers, public  
12 servants, and advocates.

13  
14 **Meetings**

15 The Subcommittees shall hold meetings as may be required for the satisfactory performance of  
16 its mission in accordance with the Bylaws of the Reentry Council as established by Chapter  
17 5.1 of the San Francisco Administrative Code ("Bylaws").

18  
19 The Subcommittees shall hold at least one annual retreat each year.

20  
21 Regular meetings of the Subcommittees shall be convened at dates decided by the  
22 Subcommittee members in consultation with the Reentry Council Staff.

23  
24 Special meetings shall be convened by decision of the Subcommittees.

25  
26 The Reentry Council Staff shall notify Subcommittee members and the public of the location  
27 and time of all Subcommittee meetings.

28  
29 **Ramaytush Ohlone Land Acknowledgement**

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30 At the beginning of each meeting, after the Introductions and Roll Call, the Chair shall read  
31 the following Ramaytush Ohlone Land Acknowledgement: "The members of this  
32 Subcommittee of the Reentry Council of the City and County of San Francisco acknowledge

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1 that we are on the unceded ancestral homeland of the Ramaytush (rah-my-toosh) Ohlone  
2 who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards  
3 of this land and in accordance with their traditions, the Ramaytush (rah-my-toosh) Ohlone  
4 have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as  
5 well as for all peoples who reside in their traditional territory. As guests, we recognize that  
6 we benefit from living and working on their traditional homeland. We wish to pay our  
7 respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush (rah-my-  
8 toosh) Ohlone community and by affirming their sovereign rights as First Peoples.”

9 ▲  
10 **Agenda**

11 The agenda for each regular meeting shall be prepared by the Reentry Council Staff in  
12 consultation with the Chairperson of the Subcommittees, in conformity with the Bylaws and  
13 the rules herein, and shall include:

- 14 (a) Any item the inclusion of which has been ordered by the Subcommittee at a previous  
15 session;
- 16 (b) Any item proposed by the Chairperson of the Subcommittee;
- 17 (c) Any item proposed by the Reentry Council;
- 18 (d) Any item proposed by a member of the Subcommittee.

19  
20 The agenda for each special meeting shall consist only of those items which are proposed for  
21 consideration at that special meeting.

22  
23 During a meeting, the Subcommittees may revise the agenda and may, as appropriate,  
24 defer or delete items; only urgent and important items may be added to the agenda.

25  
26 **Subcommittee Membership**

27 The members of the Subcommittee (“Members”) shall be appointed by the Reentry  
28 Council in accordance with the Reentry Council Ordinance and the Bylaws during the  
29 July meeting or subsequent Reentry Council meetings if new members request to join the  
30 Subcommittee. Members may be removed from the Subcommittee upon their request.

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1  
2 The term of office of the Members shall begin on the day of the appointment by the  
3 Reentry Council and expire 1 year from the date of appointment.

4  
5 **Subcommittee Chairperson**

6 Each Subcommittee shall elect from among its members one to three Chairperson(s) to  
7 represent the Subcommittee. The subcommittee chair/s must agree to a two year commitment.  
8 The voting requirement for such election shall be simple majority.

9  
10 The Chairperson shall declare the opening and closing of each meeting of the Subcommittee,  
11 direct the discussion, ensure observance of these rules herein, and accord the right to speak,  
12 put motions to the vote and announce decisions. The Chairperson, subject to these rules, shall  
13 have control over the proceedings of the Subcommittee and over the maintenance of order at  
14 its meetings.

15  
16 The Chairperson shall confer with Reentry Council Staff on the logistics of conducting the  
17 Subcommittee meetings.

18  
19 The Chairperson shall represent the Subcommittees in front of the public, the Reentry  
20 Council, the Mayor, the Board of Supervisors and other public entities or organizations.

21 The Chairperson of each Subcommittee shall serve as a liaison to the other Subcommittee(s),  
22 and shall be supported by the Reentry Council Staff in the performance as such.

23  
24 **Attendance Requirement**

25 The subcommittee chairs shall monitor the attendance of subcommittee members. In the event  
26 that any subcommittee member misses three regularly scheduled subcommittee meetings in a  
27 twelve-month period without prior notice to the Reentry Policy Planner the subcommittee  
28 shall certify that fact in writing to the appointing authority, and the subcommittee member  
29 shall be deemed to have resigned from the Reentry Council subcommittee on the date of such  
30 certification.

31  
32 **Voting**

1 A Subcommittee Member shall have the right to introduce a motion and the Chairperson shall  
2 put the motion to vote after receiving a second. Each Member shall have one vote. Decisions  
3 of the Subcommittee shall be made by a simple majority of the Members present.  
4

5 **Quorum**

6 The number of total members appointed in the July’s meeting by the Council, then divided by  
7 two. If an odd number of members, then quorum is established by rounding to the nearest  
8 whole number.  
9

10 **Communications with the Reentry Council**

11 The Subcommittees shall bring to the attention of the Reentry Council, in accordance with the  
12 Bylaws and the rules herein, communications (“Communication(s)”) which are for  
13 consideration by the Reentry Council.  
14

15 The Communications shall be in writing, and may include concerns, requests, questions and  
16 comments.  
17

18 A Communication may begin by a motion by a Member.  
19

20 Prior to submission to the Reentry Council, the Chairperson(s) of the Subcommittee that  
21 originated the Communication (“Originating Subcommittee”) shall send the Communication  
22 in writing to the Chairperson(s) of the other Subcommittee(s) (“Non-originating  
23 Subcommittee(s)).  
24

25 The Chairperson(s) of the Non-originating Subcommittees shall forward the Communication  
26 to their Subcommittee members to consider for endorsement.  
27

28 A Communication shall be submitted to the Reentry Council if the Communication has been  
29 approved by a simple majority vote of the Originating Subcommittee and the Non-Originating  
30 Subcommittee(s) has/have had an opportunity for endorsement.  
31

32 The Chairperson of the Originating Subcommittee is responsible for the submission of the

1 Communications to the Reentry Council. The Reentry Council Staff shall assist the  
2 Chairperson in doing so. If a written response by the Reentry Council is requested by the  
3 Subcommittee, the Chairperson shall specify such a date in the Communication.

4

5 **Adoption of Rules**

6 The rules contained herein are effective if and only if they have been approved by at least two  
7 thirds of the Subcommittee Members, and subsequently passed by the Reentry Council.

8 Changes to these rules must be made in writing and approved by the same process.

9

10 The Reentry Council Staff shall keep a log of when the rules are adopted and changed.

11

12 **Updated April 22, 2021.**

Date of Hearing: March 15, 2021

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 328 (Chiu) – As Introduced January 26, 2021

**SUBJECT:** Reentry Housing Program

**SUMMARY:** Establishes the Reentry Housing Program (the Program) at the Department of Housing and Community Development (HCD). Specifically, **this bill:**

- 1) States that it is the intent of the Legislature that the Department of Corrections and Rehabilitation (CDCR) calculate the annual savings that result from the closure of prisons and redirect that saving to the Program.
- 2) Establishes the Program to provide five-year renewable grants to counties to fund evidence-based housing and housing based services interventions to allow people with recent histories of incarceration to exit homelessness and remain stably housed.
- 3) Requires HCD, on or before July 1, 2022 and upon appropriation from the Legislature, to do all of the following to create the Program:
  - a. Establish a process for referral of eligible participants to the program;
  - b. Work with CDCR to establish protocols to prevent discharges from prison into homelessness;
  - c. Issue guidelines, a Notice of Funding Availability or request for proposals for five-year renewable grants;
  - d. Establish scoring criteria for applicants that includes the following:
    - i. Need, which includes the number of individuals experiencing homelessness, people on parole, and people with recent histories of incarceration;
    - ii. Extent of coordination and collaboration between counties, the homeless continuum of care, and homeless services providers;
    - iii. Ability of applicants to administer rental assistance and evidence-based service interventions;
    - iv. Documented partnerships with affordable and supportive housing providers;
    - v. Demonstrated commitment through existing or planned programs;
    - vi. Proposed use of funds; and
    - vii. Extent to which counties that oversee housing authorities have eliminated or plan to eliminate restrictions against people with arrests or criminal convictions accessing publicly funded housing subsidies.



- 4) Specifies requirements that that applicants must provide.
- 5) Specifies the eligible activities for funding:
  - a) Long-term rental assistance in permanent housing;
  - b) Operating subsidies in new and existing affordable or supportive housing;
  - c) Incentives to landlords including security deposits and holding fees;
  - d) Services to assist participants in accessing permanent supportive housing and to promote housing stability in supportive housing; and
  - e) Operating support for interim interventions with services.
- 6) Specifies the following services must be provided to participants in their home or made as easily accessible as possible:
  - a) Case management services;
  - b) Parole discharge planning;
  - c) Linkage to other services including education and employment services;
  - d) Benefit entitlement application and appeal assistance;
  - e) Transportation assistance to obtain services and health care;
  - f) Assistance obtaining appropriate identification; and
  - g) Linkage to Medi-Cal funded mental health treatment, substance use disorder treatment, and medical treatment.
- 7) Provides that for participants identified prior to release from prison, an intake coordinator or case manager shall:
  - a) Receive all pre-release assessment and discharge plans;
  - b) Draft a plan for the participant's transition into affordable or supportive housing;
  - c) Engage the participant to actively participate in services upon release on a voluntary basis;
  - d) Assist in obtaining identification for the participant; and
  - e) Assist in applying for any benefits for which the participant is eligible.
- 8) Requires recipients and providers to adhere to the core components of Housing First.
- 9) Requires grant recipients to report annually to HCD the following data:
  - a) Number of participants served;

- b) The types of services that were provide to program participants;
- c) Whether the recipient met performance metrics identified in their application;
- d) Outcomes for participants including the number who remain permanently housed, the number who ceased to participate in the program and the reason why, the number who returned to state prison or were incarcerated in county jail, the number of arrests among participants, and the number of days in jail or prison among participants, to the extent data are available.

10) Requires HCD to design an evaluation and hire an independent evaluator to assess outcomes from the program.

#### **EXISTING LAW:**

- 1) Proposition 57 moves up parole consideration of nonviolent offenders who have served the full-term of the sentence for their primary offense and who demonstrate that their release to the community would not pose an unreasonable risk of violence to the community.
- 2) Allows a judge discretion to strike a prior serious felony conviction, in furtherance of justice, to avoid the imposition of the five-year prison enhancement when the defendant has been convicted of a serious felony.

**FISCAL EFFECT:** Unknown.

#### **COMMENTS:**

*Author's statement:* "Due to a series of ballot measures, legislation and gubernatorial action, California's prison population is set to decline to its lowest levels in three decades. This will result in thousands of people being released from prisons, and could curtail CDCR costs by over \$1 billion. Unfortunately, California currently lacks the infrastructure to successfully accommodate the needs of those transitioning out of the criminal justice system. Without the proper support, formerly incarcerated people are more likely to become homeless, and people who are homeless are more likely to recidivate. We are seeing this cycle of cellblock to sidewalk play out on our streets every day. AB 328 will begin to address these issues by using CDCR's savings to provide people with stable housing and workforce training. It's common sense: using prison savings on housing and services for formerly incarcerated people will reduce recidivism and save the state money."

*Background:* Formerly incarcerated people are 27 times more likely to be unstably housed or homeless than the general public. In fact, one-third to one-half of all people on parole in San Francisco and Los Angeles are experiencing homelessness at any point in time. In addition, about half of people experiencing homelessness statewide report a history of incarceration. People on parole are seven times more likely to recidivate when homeless than when housed. African Americans are almost seven times more likely to be homeless than the general population in California, driven by systemic racism that includes disproportionate incarceration, and discharges from prisons and jails into homelessness.

*Cost savings to CDCR:* The prison population is declining due to various factors including early release of inmates because of the pandemic and policy changes that have reduced or shortened

sentencing. Proposition 57 gave CDCR the authority to reduce inmates' terms through credits, driving a long-term downward trend in the prison population. Various other sentencing changes enacted by the Legislature in recent years are expected to keep the inmate population low over the next several years. For example, SB 1393 (Mitchell) Chapter 1013, Statutes of 2018 allows judges to decline to impose a five-year enhancement for those convicted of a serious felony who also had a prior serious felony conviction. In addition, SB 136 (Wiener) Chapter 590, Statutes of 2019 eliminated a one-year sentence enhancement for prior offenses in certain cases. The prison population is expected to decline to 100,000 inmates by 2024-25, the same level as in the 1990s.

The reduction in inmates will create significant cost savings for CDCR. The Legislative Analyst Office (LAO) estimates that the prison population changes will reduce costs in several hundreds of millions of dollars in the near term to around \$1.5 billion by 2024-25. In the short term, CDCR will no longer have to pay for food and clothing for inmates resulting in savings in the hundreds of millions annually. In the long term, CDCR will be able to close prisons and day camps resulting in a cost savings of around \$1.5 billion annually by 2024-25.

*Cost savings of supportive housing:* CDCR spends close to \$100,000 each year to incarcerate someone in a California prison. A chronically homeless person living unsheltered costs tax payers an average of \$35,578 per year. With 60 percent of incarcerated people likely to recidivate, and with an average sentence length of 4.5 years, the state can spend millions of dollars on a single person who lacks a stable environment to return to upon their release. Supportive housing, affordable housing coupled with services, costs an average of \$20,000 per year and reduces the risk of recidivism sevenfold.

*Reentry Housing Program:* This bill would create the Reentry Housing Program to provide five-year renewable grants to counties to fund evidence-based housing and housing based services interventions to allow people with recent histories of incarceration to exit homelessness and remain stably housed. Counties could apply to HCD for funding and use funds for rental assistance, operating costs, and services to help people experiencing homelessness remain stably housed. Ninety days prior to their release, grantees will provide inmates with services including housing navigation and tenancy acquisition services. Grant recipients will be required to report on the outcomes for program participants including how many people stayed permanently housed and the incidence of recidivism. Like all housing programs serving people experiencing homelessness, funded or operated by the state, the Reentry Housing Program would require counties to implement a Housing First model that provides housing without limit on stay and without pre-condition.

*Arguments in support:* According to the California Coalition for Women Prisoners, "AB 328 will result in savings for the state. It costs over \$90,000 per year to incarcerate someone in a California prison, and permanent supportive housing (housing with supportive services) costs about \$20,000 per year. As over 30,000 people will be released on parole or early release annually over the next five years, a targeted housing program can save taxpayers and the state millions of dollars and prevent thousands from homelessness. People on parole are seven times more likely to recidivate when homeless than when housed. Yet, California lacks the infrastructure to accommodate the needs of those transitioning out of the criminal justice system. Formerly incarcerated people are 27 times more likely to be unstably housed than the general public, and 10 times more likely to become homeless. At this staggering rate, it is unsurprising that about 50% of people experiencing homelessness report a history of incarceration."

*Committee amendments:*

The committee amendments make a variety of changes including the following:

- Rename the program the “Reentry Housing and Workforce Development Program”.
- Make a community based organization, as defined, eligible for funding under the program.
- Add workforce development as a use of the funds.
- State that it is the intent of the Legislature that CDCR redirect 80 percent of costs savings from the closure or warm shutdown of prisons to the Reentry Housing and Workforce Development program and that at least 10 percent but no more than 20 percent of funds go to community based organizations and innovative programs with any excess funds directed to supportive housing.
- Require in-reach services to assist eligible participants at least 90 days prior to release from prison, including housing navigation and tenancy acquisition services.
- Makes various other changes.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Corporation for Supportive Housing (Sponsor)  
CROP Organization (Sponsor)  
Housing California (Sponsor)  
Western Center on Law & Poverty (Sponsor)  
Alameda County Democratic Party  
American Civil Liberties of California  
California Coalition for Women Prisoners  
Center for Employment Opportunities  
Communities United for Restorative Youth Justice  
CSU Project Rebound Consortium  
East Bay for Everyone  
East Bay Housing Organizations  
Ella Baker Center for Human Rights  
Five Keys Schools and Programs  
Goodwill Industries of San Francisco, San Mateo and Marin Counties  
Initiate Justice  
Insight Center for Community Economic Development  
La Defensa  
Legal Services for Prisoners with Children  
Los Angeles Homeless Services Authority  
National Housing Law Project  
PolicyLink  
Prosecutors Alliance of California  
PURE 1 Organization  
San Francisco District Attorney's Office  
San Francisco Pretrial Diversion Project

San Francisco Public Defender  
SFMade  
Starting Over.  
Successful Reentry  
Time for Change Foundation  
Union Station Homeless Services  
United Way of Greater Los Angeles  
Young Women's Freedom Center

*Support If Amended*

County Behavioral Health Directors Association of California

**Opposition**

None on file

**Analysis Prepared by:** Lisa Engel / H. & C.D. / (916) 319-2085

ASSEMBLY THIRD READING  
AB 333 (Kamlager)  
As Amended March 30, 2021  
Majority vote

## SUMMARY

Redefines the terms "pattern of criminal gang activity" and "criminal street gang" for the purposes of the gang offense, enhancement, and alternate penalty under the STEP Act and requires bifurcation of gang-related prosecutions from prosecutions that are not gang-related.

### Major Provisions

- 1) Requires that the offenses used to establish a "pattern of criminal gang activity" have commonly benefited at least one specified member of the gang other than the person who committed the offenses and that the common benefit from the offenses be more than reputational.
- 2) Removes burglary, looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a "pattern of criminal gang activity."
- 3) Prohibits the use of the currently charged crime to prove the "pattern of criminal gang activity."
- 4) Requires the prosecution to prove that the defendant knows the person or people who committed the offenses used to establish the "pattern of criminal gang activity."
- 5) Requires the prosecution to prove that the person or people who committed the offenses used to establish a "pattern of criminal gang activity" was or were a member of the criminal street gang subset at the time those offenses were committed, and that the offenses were committed for the benefit of, at the direction of, or in association with, the criminal street gang, with the specific intent to promote, further, or assist in criminal conduct by members of the criminal street gang at issue.
- 6) Requires the prosecution to prove that the offenses used to establish a "pattern of criminal gang activity" were committed within three years of the date of the current offense.
- 7) Redefines "criminal street gang" to require the prosecution to prove an established hierarchy and that the members collectively engage in, or have engaged in, "a pattern of criminal gang activity."
- 8) Requires, if requested by the defense in a case where a gang enhancement is alleged, that the defendant's guilt of the underlying offense first be proved and that a separate proceeding on the enhancement occur after a finding of guilt.
- 9) Requires that a gang offense be tried separately from all other counts that do not otherwise require gang evidence as an element of the crime. The charge may be tried in the same proceeding as a gang enhancement or alternate penalty.
- 10) Includes findings and declarations.

## COMMENTS

### **According to the Author**

According to the author, "As a sitting Member of the Committee on Revision of the Penal Code, I listened to expert testimony detailing how gang enhancements are rarely applied toward the most serious and violent offenses. Often applied toward misdemeanor offenses, they disproportionately affect people of color. AB 333 will advance the movements toward criminal, racial and social justice by ensuring gang enhancements are only used when necessary and fair."

### **Arguments in Support**

According to the *Young Women's Freedom Center*, a co-sponsor of this bill: "California's gang enhancement laws have caused immeasurable damage to our communities by criminalizing culture and relationships among people in low-income Black and Latino communities. While no empirical studies have been conducted to show that gang enhancements deter crime or violence, it is well documented that they have been applied inconsistently and disproportionately against people of color: 92% of people who receive gang enhancements are people of color. Gang enhancements have been the drivers of mass incarceration because of their vague definitions and weak standards of proof. They are responsible for the collective trauma of countless families and communities and are used as bargaining tools by the prosecution to seek longer sentences.

"AB 333 is an important step forward to undoing the harm of gang enhancements by addressing several damaging effects of 'gang evidence' at trial and narrowing the applicability of such evidence.

"First, AB 333 limits the possibility of a charged person being convicted based on mere rumor, speculation, and conjecture. Current law allows a person to be convicted of a gang enhancement based largely on speculation that the type of offense they are being charged with boosts the reputation of an alleged gang. AB 333 prevents such an assumption by requiring evidence that the offense was committed with the goal of benefitting the alleged gang.

"Second, AB 333 safeguards against someone's prior convictions being used to convict another person – even though the two may have never even met. Under current law, a 'pattern of gang activity' can be established by the evidence of another person's previous convictions who are alleged to be from the same gang as the currently charged individual. This has led to absurd results, where gang enhancements are common for people who have never even met each other. AB 333 ends prosecutors' ability to claim people are gang members simply because they may come from the same community, be related, or know each other."

### **Arguments in Opposition**

According to the *San Diego Deputy District Attorneys Association*: "This bill eviscerates the current Penal Code section 186.22(b) gang enhancement that is a critical tool in curbing gang violence....

[¶]...[¶]

*"Requiring that the charged defendant "know" the people used for pattern of criminal activity is unduly onerous, does nothing to protect the charged defendant, and potentially prejudices the defendant on trial*

"AB 333 requires that the prosecution prove *beyond a reasonable doubt* that the charged defendant knows the people in the two certified prior convictions. This is unnecessary and especially onerous. First, it is unnecessary because two prior convictions are needed to establish the existence of the criminal street gang itself, and these predicate crimes have nothing to do with the current charged crime or gang allegation. Second, proving that someone "knows" another person who may have been separately convicted of a gang-related crime sounds great in theory, but it is completely irrelevant and superfluous. Is it enough that the two are in photographs together? How does a prosecutor prove this fact beyond a reasonable doubt?

*"Requiring a common benefit to another gang member and that the common benefit be more than reputational misunderstands the primary motivations and operations inherent within violent street gang culture"*

"Gang crimes oftentimes only make sense when one begins to understand the motivations and operations of a person who commits a crime for the benefit of, in association with, or at the direction of a violent criminal street gang. Fear and intimidation of the surrounding community where the gang operates tends to be the primary motivation behind all gang-related crimes. Respect within this narrow subculture is often synonymous with fear and intimidation imposed upon crime victims, witnesses, and the gang's very own community. Excising this primary benefit from a jury's consideration in determining whether the charged defendant committed the crime to benefit the gang marginalizes the very communities that experience that fear and intimidation that results from gang violence."

## FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

## VOTES

**ASM PUBLIC SAFETY: 6-2-0**

**YES:** Jones-Sawyer, Bauer-Kahan, Quirk, Santiago, Wicks, Lee

**NO:** Lackey, Seyarto

## UPDATED

VERSION: March 30, 2021

CONSULTANT: Cheryl Anderson / PUB. S. / (916) 319-3744

FN: 0000157



Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Lorena Gonzalez, Chair  
AB 417 (McCarty) – As Introduced February 4, 2021

Policy Committee: Higher Education Vote: 12 – 0

Urgency: No State Mandated Local Program: No Reimbursable: No

**SUMMARY:**

This bill authorizes the California Community College (CCC) Chancellor's Office to establish a grant program within community colleges to provide additional funds for services in support of postsecondary education for formerly and currently incarcerated individuals.

Specifically, the bill authorizes the CCC Chancellor's Office to enter into agreements with up to 50 CCCs to administer a grant program to expand the number of formerly and currently incarcerated individuals participating and succeeding in the community colleges. In addition, the CCC Board of Governors (BOG) is to adopt regulations for the program and shall review applications for the funds from CCCs. Funds are to be used for various support and services for formerly and currently incarcerated individuals, including tutoring, counseling and professional development for faculty and staff.

The bill allows the CCC BOG to designate up to 5% of the grant funds for program administration. It also requires, beginning December 31, 2023, and every two years thereafter, the CCC BOG submit a report to the Governor describing the program's impacts and makes recommendations on expanding the program to additional CCCs.

**FISCAL EFFECT:**

- 1) One-time Proposition 98 General Fund costs of between \$5 million and \$10 million for the grant program. (More discussion of the rationale for this amount in grant funding is provided below.)
- 2) Minor and absorbable General Fund costs to the CCC Chancellor's Office to administer the grant program. The Chancellor's Office indicates it currently has staff dedicated to programs for formerly and currently incarcerated individuals and that the 5% designated in the bill for administration would cover costs.

**COMMENTS:**

- 1) **Background.** AB 1809 (Committee on Budget), Chapter 33, Statutes of 2018, created a grant program similar to the grant program created by this bill. Specifically, AB 1809 appropriated \$5 million one-time Proposition 98 General Fund to the CCC for a one-time reentry grant program to support currently and formerly incarcerated individuals. The bill requires a report on the use of these funds by July 31, 2022.

According to the CCC Chancellor's Office, 44 colleges received \$113,000 each from the \$5 million appropriated by AB 1809. The colleges receiving funds reported need in excess of those funds. For this reason, the CCC Chancellor indicates \$10 million in funding for the grant program would better align with need. \$10 million would provide 50 campuses with grants that average \$190,000, if 5% of grant amounts were used for program administration.

- 2) **Prior Legislation.** AB 2341 (McCarty), of the 2019-20 Legislative Session, was very similar to this bill. It was held in the Senate Education Committee.

**Analysis Prepared by:** Natasha Collins / APPR. / (916) 319-2081

Date of Hearing: April 6, 2021  
Counsel: David Billingsley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Reginald Byron Jones-Sawyer, Sr., Chair

AB 653 (Waldron) – As Amended March 30, 2021

**SUMMARY:** Establishes the Medication-Assisted Treatment Grant Program, in order for the Board of State and Community Corrections (BSCC) to award grants to counties purposes relating to the treatment of substance use disorders and the provision of medication-assisted treatment. The bill would sunset on January 1, 2026. Specifically, **this bill:**

- 1) Creates the Medication-Assisted Treatment (MAT) Grant Program which shall be administered by the Board of State and Community Corrections (BSCC).
- 2) Specifies that BSCC shall award grants, on a competitive basis, to counties, as authorized by this article.
- 3) Requires BSCC to establish minimum standards, funding schedules, and procedures for awarding grants.
- 4) Allows MAT Grant Program funds to be used by recipient counties for one or more of the following activities:
  - a) Salaries and related costs for the placement of substance use disorder counselors in county jails that provide medication-assisted treatment to inmates with a substance use disorder;
  - b) Doses of medication related to substance use disorder for inmates to take home upon release from county jail;
  - c) Funding for services provided pursuant to contracts between county jail health providers and narcotic treatment providers;
  - d) Mobile crisis teams of behavioral health professionals that can respond with law enforcement to mental health or other health crisis calls. Mobile response activities funded pursuant to this section shall include referrals for substance use disorder treatment and medication –assisted treatment for individuals under criminal justice supervision when clinically appropriate;
  - e) Funding to increase capacity for community-based, medication-assisted treatment and substance use disorder treatment services for justice-involved individuals, or to improve care coordination and connections to medication-assisted treatment services upon release from correctional facilities. Activities may include, but are not limited to, capital expenditures or operating costs to establish new reentry centers or treatment programs that will serve justice-involved populations, expansion of existing community-based,

- medication-assisted treatment services to better meet the needs of justice-involved individuals, and other strategies to ensure timely and appropriate access to medication-assisted treatment upon release; and,
- f) Salary and related costs for providing medication-assisted treatment for persons who are under criminal justice supervision.
- 5) Specifies that MAT Grant Program funds shall not be used to supplant existing resources for medication-assisted treatment services delivered in county jails or in the community.
  - 6) States that counties that receive grants pursuant to this article shall collect and maintain data pertaining to the effectiveness of the program, as indicated by the board in the request for proposals, including data on drug overdoses of, and the rate of recidivism for, inmates and persons under criminal justice supervision who receive county-administered, medication-assisted treatment services.
  - 7) States that information relating to the rate of recidivism that shall be collected and maintained pursuant to this subdivision includes all of the following, as they relate to inmates or persons under criminal justice supervision who receive services funded pursuant to this article:
    - a) The number and percentage who were sentenced to jail or prison within three years after being released from a jail sentence in which they were provided services funded pursuant to this article, or for persons under criminal justice supervision, after having been provided with services that were funded pursuant to this article;
    - b) The number and percentage who were convicted of a misdemeanor or a felony within three years after being released from a jail sentence in which they were provided services funded pursuant to this article, or for persons under criminal justice supervision, after having been provided with services that were funded; and,
    - c) The number and percentage who were arrested for a crime or who have had their parole, probation, mandatory supervision, or postrelease community supervision revoked within three years after being released from a jail sentence in which they were provided services funded pursuant to this article, or for persons under criminal justice supervision, after having been provided with services that were funded.
  - 8) Requires a county that receives a grant to include recidivism data for persons released from jail, or under criminal justice supervision, who received services less than three years prior to any reporting period established by BSCC.
  - 9) Specifies that a county that receives a grant pursuant to this article may use state summary criminal history information, or local summary criminal history information, to collect data as required by BSCC.
  - 10) States that BSCC may establish a deadline by which counties that receive grants pursuant to this article are required to submit data collected and maintained pursuant to this subdivision to the board to enable the board to comply with the reporting requirement, as specified.

- 11) Defines “Criminal justice supervision” as “probation, postrelease community supervision, and mandatory supervision.”
- 12) Defines “Medication-assisted treatment” as “the use of United States Food and Drug Administration approved medically assisted therapy to treat a substance use disorder, including opioid use disorder and alcohol use disorder, and that, whenever possible, is provided through a program licensed or certified by the State Department of Health Care Services.”
- 13) Specifies that on or before July 1, 2025, BSCC shall compile a report describing the activities funded pursuant to the bill, and the success of those activities in reducing drug overdoses and recidivism by jail inmates and persons under criminal justice supervision. The report shall be submitted to the Legislature.
- 14) States that the provisions of this bill shall be operative only to the extent that funding is provided, by express reference, in the annual Budget Act or another statute.
- 15) Establishes a sunset date of January 1, 2026.

**EXISTING LAW:**

- 1) Creates the MAT Re-Entry Incentive Program. (Pen. Code, § 3000.02, subd. (a).)
- 2) Specifies that a person shall be eligible for a 30-day reduction to the period of parole for every six months of treatment that is not ordered by the court, up to a maximum 90-day reduction, if the person meets all of the following requirements:
  - a) The person has been released from state prison and is subject to the jurisdiction of, and parole supervision by, CDCR, as specified;
  - b) The person has been enrolled in, or successfully participated in, an institutional substance abuse program; and,
  - c) The person successfully participates in a substance abuse treatment program that employs a multifaceted approach to treatment, including the use of United States Food and Drug Administration approved medically assisted therapy (MAT), and, whenever possible, is provided through a program licensed or certified by the State Department of Health Care Services, including federally qualified health centers (FQHS), community clinics, and Native American Health Centers. (Pen. Code, § 3000.02, subd. (b)(1)-(3).)
- 3) Specifies that the sentence reduction shall be contingent upon successful participation in treatment, as determined by the treatment provider. (Pen. Code, § 3000.02, subd. (c).)
- 4) Exclude inmates from the MAT program if the inmate is any of the following:
  - a) Sentenced for an offense specified in paragraph (3), (4), (5), (6), (11), or (18) of subdivision (c) of Section 667.5;

- b) Convicted of an offense for which the inmate has received a life sentence pursuant to subdivision (b) of Section 209, with the intent to commit a specified sex offense, or Section 667.51 , 667.61, or 667.71; or,
  - c) Convicted of, and required to register as a sex offender for the commission of, an offense specified in Section 261, 262, 264.1, 286, or 287, paragraph (1) of subdivision (b) of Section 288, Section 288.5 or 289, or former Section 288a, in which one or more of the victims of the offense was a child under 14 years of age. (Pen. Code, § 3000.02, subd. (d)(1)-(3).)
- 5) States that operation of MAT program is contingent upon the appropriation to the State Department of Health Care Services of funds received pursuant to a federal Substance Abuse and Mental Health Services Administration (SAMHSA) opioid use disorder or substance use disorder grant. (Pen. Code, § 3000.02, subd. (e)(1).)
  - 6) Requires CDCR to collect data and analyze utilization and program outcomes and shall provide that information in the report, as specified. (Pen. Code, § 3000.02, subd. (e)(2).)
  - 7) Requires the Department of Corrections and Rehabilitation (CDCR) to expand substance abuse treatment services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse. Requires a substance abuse treatment program offered by CDCR to include a peer counseling component, except as specified. (Pen. Code, § 2694, subs. (a) & (b).)
  - 8) Requires CDCR, under the oversight of the Undersecretary of Health Care Services, to establish a three-year pilot program at one or more institutions that will provide a medically assisted substance use disorder treatment model for treatment of inmates with a history of substance use problems. Requires the program to offer a continuum of evidenced-based care that is designed to meet the needs of the persons being served and that is appropriate for a correctional setting. Requires the department to consider all of the following in establishing the program:
    - a) Access to services during an inmate's enrollment in the pilot program;
    - b) Access to subacute detoxification and medical detoxification, as necessary;
    - c) Comprehensive pretreatment and post-treatment assessments;
    - d) Ongoing evaluation of an inmate's program needs and progress at least every 90 days, and appropriate adjustment of treatment based on that evaluation;
    - e) Services provided by professionals for whom substance use disorder treatment is within the scope of their practice;
    - f) Referrals for medically assisted care and prescription of medication-assisted treatment;

- g) Provision of behavioral health services, including the capacity to treat co-occurring mental illness;
  - h) Access to medication-assisted treatment throughout the period of incarceration up to and including immediately prior to release; and,
  - i) Linkages to community-based treatment upon parole. (Pen. Code, § 2694.5, subd. (a).)
- 9) Requires CDCR to provide annual reports to the Legislature on the pilot program. (Pen. Code, § 2694.5, subd. (b).)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "In 2018, the Department of Corrections and Rehabilitation estimated that approximately 80 percent of incarcerated individuals had Substance Abuse Disorders (SUD) and, of these, approximately 26% have Substance Use Disorders related to opiate drugs. Medication Assisted Treatment is a 'whole-patient' approach to treating substance use disorders that uses medication in combination with counseling and behavioral therapies. MAT is clinically effective in treating substance use disorders, including opioid and alcohol use disorders.

"Individuals who are struggling with substance use disorders are at high risk of fatal drug overdoses in the period after release from custody (a three to eightfold increased risk of drug related deaths within the first 2 weeks of release from prison).

"By creating a grant program for counties that can be used for drug treatment-related programs for incarcerated individuals and by expanding funding for MAT-related treatment for parolees, AB 653 will prevent fatal overdoses, reduce recidivism, and improve outcomes for those struggling with substance use disorders."

- 2) **Medication Assisted Treatment:** Medication-assisted treatment (MAT) is the use of Food and Drug Administration (FDA)-approved medication for the treatment of a specific substance use disorder in combination with clinically indicated behavioral or cognitive-behavioral counseling and other indicated services. Currently, medications are available to treat tobacco, alcohol, and opioid use disorder (OUD), and research is underway to identify effective medications for other substances as well.

The Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services states that "MAT is primarily used for the treatment of addiction to opioids such as heroin and prescription pain relievers that contain opiates. The prescribed medication operates to normalize brain chemistry, block the euphoric effects of alcohol and opioids, relieve physiological cravings, and normalize body functions without the negative effects of the abused drug."

Medication-assisted treatment (MAT) has been carefully studied and shown to be effective in treating OUDs. Dozens of studies, including randomized controlled trials, have proven that

medication-assisted treatment (MAT):

- a) Enhances treatment engagement during and after discharge from custody;
- b) Decreases relapse rates;
- c) Is associated with reduced criminal recidivism; and,
- d) Is associated with lower overdose deaths and health risk behavior.  
(Substance Abuse and Mental Health Services Administration: Use of Medication-Assisted Treatment for Opioid Use Disorder in Criminal Justice Settings. HHS Publication No. PEP19-MATUSECJS Rockville, MD: National Mental Health and Substance Use Policy Laboratory. Substance Abuse and Mental Health Services Administration, 2019.) (<https://store.samhsa.gov/sites/default/files/d7/priv/pep19-matusecjs.pdf>)

Following incarceration, individuals with OUD enter back into the environment where their substance use originated. This puts the individual at high risk for relapse. Further, their tolerance for opioids is reduced while incarcerated. This puts the individual at high risk for overdose. The impact of opioid use on individuals transitioning from jail or prison back to the community presents a number of significant dangers for the individual. Outcomes include higher rates of returning to the criminal justice system, harm to families, negative public health effects such as the transmission of infectious diseases, and death. Within 3 months of release from custody, 75 percent of formerly incarcerated individuals with an OUD relapse to opioid use, and approximately 40 to 50 percent are arrested for a new crime within the first year.

SAMSHA reviewed evidence based practices related to inmates with OUD following the inmates return to the community. That review identified numerous studies which support the use of MAT for effectively addressing OUDs and that moderate and mitigate the risk of overdose for persons with OUD after release. (Id.)

- 3) **AB 1304 (Waldron), Chapter 325, Statutes of 2020, Established a MAT Re-Entry Program of State Prison Inmates Released on Parole:** AB 1304 established the California MAT Re-Entry Incentive Program, which would make a person released from prison on parole, with specified exceptions, who has been enrolled in, or successfully completed, an institutional substance abuse program, eligible for a reduction in the period of parole if the person successfully participates in a substance abuse treatment program that employs a multifaceted approach to treatment, including the use of United States Food and Drug Administration approved medically assisted treatment (MAT). AB 1304 authorized a 30-day reduction for each 6 months of treatment successfully completed that is not ordered by the court, up to a maximum 90-day reduction. The MAT Re-Entry Program is contingent upon the appropriation to the State Department of Health Care Services of funds received pursuant to a federal Substance Abuse and Mental Health Services Administration (SAMHSA) opioid use disorder or substance use disorder grant. AB 1304 also requires the Department of Health Care Services to collect data and analyze utilization and program outcomes and to provide that information in a specified report.

Where AB 1304 targeted MAT towards state prison parolees, this bill would direct money



for MAT to county jail inmates or other individuals supervised by county probation departments. This bill will grant program to counties to provide MAT for individuals involved in the criminal justice system at the county level. This grant program would award money to counties and target individuals that are released from county jail or on probation, post-release community supervision, or mandatory supervision.

- 4) Argument in Support:** According to *Alkermes, Inc.*, “Alkermes, a fully-integrated, global biopharmaceutical company, seeks to develop innovative medicines that help address the unmet needs and challenges of people living with debilitating diseases, including schizophrenia and opioid and alcohol use disorders.

“In 2018, the Department of Corrections and Rehabilitation estimated that approximately 80 percent of prison inmates suffered from at least one type of substance use disorder. MAT is a “whole-patient” approach to treating substance use disorders that uses medication in combination with counseling and behavioral therapies. MAT is clinically effective in treating substance use disorders, including opioid and alcohol use disorders, and has been shown to reduce recidivism when use by justice-involved populations.

“Though MAT has proven to be effective in the treatment of those struggling with substance use disorders, be they incarcerated or supervised in the community, counties require more funding in order to expand MAT programs. By creating a grant for counties that can be used for substance abuse treatment-related programs for inmates and those on community supervision, AB 653 will address the funding needs of communities that seek to expand MAT programs.”

**5) Related Legislation:**

- a) AB 644 (Waldron), clean up bill for AB 1304 (Waldron), Chapter 325, Statutes of 2020.
- b) AB 741 (Bennett), requires each sheriff to convene a mentally ill discharge plans advisory group. AB 741 is awaiting hearing in the Assembly Public Safety Committee.

**6) Prior Legislation:**

- a) AB 1304 (Waldron), Chapter 325, Statutes of 2020, established the California MAT Re-Entry Incentive Program which makes a parolee, except as specified, eligible for a reduction in the period of parole if the person successfully participates in a substance abuse treatment program, as specified, including medication-assisted treatment.
- b) SB 843 (Committee on Budget and Fiscal Review), Chapter 33, Statutes of 2016, enacted the pilot program providing medically assisted substance use disorder treatment model for the treatment of inmates. “Integrated Substance Use Disorder Treatment (ISUDT) Program” is the MAT component of the program. This legislation is a companion the ISDUT for reentry into the community component. CDCR and CCHCS programs worked collaboratively to develop an ISUDTP to address the needs of inmates suffering from substance use disorders, covering their entire time in prison from entry to release.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alkermes, INC.  
California Consortium of Addiction Programs and Professionals  
California State Sheriffs' Association  
County Behavioral Health Directors Association of California

**Opposition**

None

**Analysis Prepared by:** David Billingsley / PUB. S. / (916) 319-3744

Date of Hearing: April 13, 2021  
Counsel: Nikki Moore

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Reginald Byron Jones-Sawyer, Sr., Chair

AB 717 (Stone) – As Amended April 7, 2021

**SUMMARY:** Requires Department of Motor Vehicles (DMV) to provide a person incarcerated in the California Department of Corrections and Rehabilitation (CDCR) with a driver's license or valid California identification card. Specifically, **this bill:**

- 1) Repeals existing law regarding eligible inmate identification and relocates provisions related to exonerated persons to a new section.
- 2) Mandates that CDCR and DMV have the necessary equipment, including, but not limited to, DMV-approved cameras.
- 3) States that as soon as an inmate is within 24 months of release, CDCR shall determine the documentation the inmate requires to obtain a California identification card or driver's license, and, after obtaining consent, shall assist an incarcerated with seeking and accessing necessary documentation for obtaining an identification card or driver's license.
- 4) Requires CDCR to immediately begin this process for a person whose sentence is shortened to within 24 months of release for any reason. Establishes that a person serving a life sentence shall be entitled to this process within 24 months of their minimum eligible parole date.
- 5) Establishes that when a person is within 13 months of release, CDCR and DMV shall collaborate to obtain an identification card or driver's license from DMV.
- 6) Requires CDCR to make any necessary licensing examinations available to inmates, with the exception of, for driver's licenses, an examination of the applicant's ability to exercise ordinary and reasonable control in operating a motor vehicle.
- 7) Requires CDCR to provide inmates their California identification card or driver's license, plus any additional documents obtained on their behalf, upon their release.
- 8) Required CDCR to annually prepare a report with the following information:
  - a) The number of inmates provided with original and renewal identifications, renewal licenses, disaggregated by license type, and written examinations disaggregated by license type.
  - b) The number of Department of Corrections and Rehabilitation facilities that are providing license and ID services to inmates.

- c) Any impediment to implementation of this program and recommendations for resolution of those issues.
- 9) Sets the fee for an original and duplicate identification card or driver's license issued to a person upon release from a state or federal correctional facility or a county jail facility at eight dollars (\$8), aligning the fee with the existing reduced fee for a replacement card.
- 10) Repeals the provision that limits a fee reduction qualification to only "eligible inmates" who meet specified criteria, and extends the fee reduction to all persons released from custody.

**EXISTING LAW:**

- 1) Requires that CDCR and the DMV ensure that all inmates released from state prison have a valid identification card, or, for those who satisfactorily complete the requirements required by the Vehicle Code. (Pen. Code, § 3007.05.)
- 2) Defines "eligible inmate" to mean an inmate who meets all of the following requirements (Pen. Code, § 3007.05, subd. (c).):
  - a) The inmate has previously held a California driver's license or identification card;
  - b) The inmate has a usable photo on file with the Department of Motor Vehicles that is not more than 10 years old;
  - c) The inmate has no outstanding fees due for a prior California identification card; and,
  - d) The inmate has provided, and the Department of Motor Vehicles has verified, all of the following information: the inmate's true full name, the inmate's date of birth, the inmate's social security number, and the inmate's legal presence in the United States.
- 3) Establishes an \$8 fee for a replacement identification card issued to an eligible inmate upon release from a state or federal correctional facility or a county jail facility. (Veh. Code, § 14902, subd. (g).)
- 4) Defines "eligible inmate" to mean an inmate who meets all of the following requirements: the inmate previously held a California driver's license or identification card; the inmate has a usable photo on file with the department that is not more than 10 years old; the inmate has no outstanding fees due for a prior California identification card; the inmate has provided, and the department has verified, his or her true full name, date of birth, social security number, and legal presence in the United States; the inmate currently resides in a facility housing inmates under the control of the Department of Corrections and Rehabilitation, a federal correctional facility, or a county jail facility; the inmate has provided the department, upon application, a verification of his or her eligibility under this subdivision that meets all of the requirements. (Veh. Code, § 14902, subd. (g)(1-6).)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "A government-issued identification (ID) card is essential to securing healthcare, employment, housing, bank accounts, and public benefits such as Medi-Cal and CalFresh. During the COVID-19 public health crisis, ensuring people are released from prison with a photo ID is more vital than ever because it will streamline access to Coronavirus testing and vaccines. Possessing an ID card will decrease rates of recidivism and mass incarceration, and is ultimately a passport to successful reintegration.

"The existing CAL-ID Program provides an avenue for eligible individuals to acquire a valid ID when they leave a state prison, however, the program's narrow edibility criteria leaves 71% of people without an ID upon release. AB 717 will require the California Department of Corrections and Rehabilitation (CDCR) and the Department of Motor Vehicles (DMV) to provide a California Identification card or driver's license to every person released from state prison. A legal ID has always been a lifeline for people returning home from prison, and its importance has only been compounded amidst the pandemic."

- 2) **Undocumented Persons May Only Obtain Driver's Licenses Not Identification Cards:** AB 60 (Alejo), Chapter 524, Statutes of 2013, established a right of individuals who are unable to provide proof of legal presence in the United States to obtain a driver's license if they meet California DMV requirements and are able to provide proof of identity and California residency. This right does not extend to a state identification card. Thus, when an incarcerated person is unable to prove proof of legal presence in the US, DMV can only offer that person access to a driver's license and not an identification card. This bill expands access to a driver's license to an incarcerated person, which thus makes a person unable to prove legal presence in the US with a means of obtaining a state issued identification.
- 3) **Logistical Barriers:** Obtaining a government-issued identification to persons who are incarcerated poses logistical issues.

Driving exam: Because this bill extends access to a driver's license to an incarcerated person prior to their release from CDCR, it mandates that all elements required to obtain a driver's license must be met. That necessarily requires that an inmate take a physical driving exam. Currently, it is not clear what vehicles CDCR would employ at each location to conduct such exam. It is not clear if conducting a driving exam at a CDCR facility would pose a security risk.

Mail: This bill requires CDCR to provide a person being released from custody with the identification card or driver's license obtained through this bill. However, a person is not able to receive mail from DMV while incarcerated, due to CDCR's restrictions. This bill would require CDCR to receive and store mail from the DMV while a person is incarcerated, and then provide the mail to that person upon release.

- 4) **Reduced Fee Expanded:** Existing law permits a person released from custody from state or local detention to obtain a replacement identification card for a reduced fee of \$8. This bill would extend the reduced fee to driver's licenses, and also reduce the fee to obtain both an original and a renewed identification card or driver's license to \$8. This provision would establish the first reduced fee for a driver's license or a renewal license in law. There are currently no other provisions in law that permit a reduced fee for a person to obtain a new or

renewed identification card or driver's license.

- 5) **Argument in Support:** According to the *Ella Baker Center for Human Rights*, “People being released from prison need access to housing, employment, and social services to successfully reenter society. Covid-19 also spotlights the essence of access to health care. Typically, people only can access these basic necessities with a government-issued photo identification card. Obtaining a government-issued photo ID is a lengthy and overwhelming process for many, in part because the process for getting a government-issued photo ID card typically requires a birth certificate and social security number, while the processes for getting a birth certificate and social security card typically require a government-issued photo ID. The current pandemic, which will not be the last, led to months of DMV closures for the purpose of processing new Cal-ID cards. Yet, people do not have weeks or months to wait for a government-issued photo ID, if they need a Covid-19 vaccine, a place to live, or a job to make ends meet.

...

“AB 2308, authored by Assemblymember Stone in 2014, opened the door for people reentering society to obtain government-issued photo IDs. However, the eligibility criteria is narrow, leaving out vulnerable populations, including people who have not been home in over ten years, people who owe money to the DMV, and people who do not know their social security numbers. Most people currently leave California prisons without a government-issued photo ID in hand. In the last six months of 2019, 71% of people who left prison were released with no Cal-ID in hand. Because a photo ID is so important to reentry, we must instead ensure all incarcerated people can obtain a photo ID before their release.

“AB 717 would expand existing legislation to position more Californians for success when exiting confinement. This bill would allow CDCR to process original, duplicate, and renewal requests for California IDs and driver's licenses, so more individuals would be released with legal identification. To address significant barriers to obtaining identification, this bill would enable CDCR to assist incarcerated individuals with obtaining documents necessary to apply for California IDs, such as birth certificates and social security cards, and would allow individuals to take the written driver's license test while incarcerated.

“AB 2308 also excluded incarcerated people who were serving life and other long sentences. AB 717 would ensure that CDCR screens and initiates the identification card process in a timely manner for those with both determinate and indeterminate sentences. Lastly, AB 717 would require CDCR to provide an annual report on the implementation of the government-issued photo ID program. Coming home with an ID validates that a formerly incarcerated person is now a valued community member of California and helps them reenter society with their dignity restored.”

- 6) **Related Legislation:** SB 629 (Roth), would establish an \$8 fee for an original or replacement identification card or driver's license for an “eligible inmate” and permits the use of a photo older than 10 years, or provides for the person to obtain a new photo if the existing photo is unusable. SB 629 is currently pending before the Senate Transportation Committee.

7) **Prior Legislation:**

- a) AB 2308 (Stone), Chapter 607, Statutes of 2014, expanded the Cal-ID program in an attempt to ensure that all people being released from state prisons would be released with ID. To be eligible for program, a person must have previously held a California ID, have a recognizable photo on file with the DMV from within the last 10 years, possess a DMV-verifiable social security number, birth date, and proof of legal presence in the United States, and must not owe any fines or fees.
- b) AB 2835 (Stone), of the 2019-2020 Legislative Session, would have expanded the CAL-ID program to include original and renewal California IDs, Drivers Licenses, and Real-IDs. The bill was not set in Assembly Public Safety due to COVID-19 bill limitations.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

San Diego County District Attorney's Office (Sponsor)  
Anti Recidivism Coalition (Co-Sponsor)  
Our Road Prison Project (Co-Sponsor)  
San Diego Reentry Roundtable/the Neighborhood House Association (Co-Sponsor)  
The W. Haywood Burns Institute (Co-Sponsor)  
A Helping Hand in Recovery INC  
A New Way of Life Re-entry Project  
Alameda County Public Defender's Office  
American Civil Liberties Union/northern California/southern California/san Diego and Imperial Counties  
Blameless and Forever Free Ministries  
California Attorneys for Criminal Justice  
California Catholic Conference  
California Coalition for Women Prisoners  
California for Safety and Justice  
California Public Defenders Association (CPDA)  
California Reentry Program  
Center for Employment Opportunities  
Center on Juvenile and Criminal Justice  
Community Legal Services in East Palo Alto  
Cure California  
Defy Ventures  
Drug Policy Alliance  
Ella Baker Center for Human Right  
Five Keys Schools and Programs  
Fresno Barrios Unidos  
Green Life Project of Earth Island Institute  
Initiate Justice  
Insight Garden Program  
Legal Aid At Work  
Legal Services for Prisoners With Children

Los Angeles Centers for Alcohol and Drug Abuse  
Los Angeles Regional Reentry Partnership (LARRP)  
National Association of Social Workers, California Chapter  
National Center for Youth Law  
National Institute for Criminal Justice Reform  
Paper Prisons Initiative  
Prisoner Reentry Network  
Project Rebound Consortium  
Rising Sun Center for Opportunity  
Root & Rebound  
Rosen Bien Galvan & Grunfeld, Llp  
Rubicon Programs  
San Francisco Public Defender  
Successful Reentry, LLC  
The Transformative In-prison Workgroup  
Time for Change Foundation  
Transitions Clinic Network  
Uncommon Law  
Yurok Tribal Court Reentry Program

**Opposition**

None

**Analysis Prepared by:** Nikki Moore / PUB. S. / (916) 319-3744




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**AB-990 Prisons: inmate visitation.** (2021-2022)

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AMENDED IN ASSEMBLY APRIL 15, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 990**

Introduced by Assembly Member Bonta  
(Coauthors: Assembly Members ~~Kalra, Kamlager, Kalra~~ and Stone)  
(~~Coauthor: Senator~~ Coauthors: ~~Senators Kamlager~~ and Skinner)

February 18, 2021

An act to amend Sections 2600, ~~2601~~ 2601, and 6400 of, and to add Sections ~~6401, 6401.5, 6401.6, 6403, and 6405~~ 6401 and 6401.5 to, the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 990, as amended, Bonta. Prisons: inmate visitation.

(1) Under existing law, a person sentenced to imprisonment in a state prison may during that period of confinement be deprived of only those rights as is reasonably related to legitimate penological interests. Existing law enumerates certain civil rights of a state prisoner, including the right to purchase, receive, and read newspapers, periodicals, and books accepted for distribution by the United States Post Office.

This bill would include the right to personal visits as a civil right. The bill would provide that these civil rights may not be infringed upon, except as necessary and only if narrowly tailored to further the legitimate security interests of the government, and would provide that any governmental action related to these civil rights may be reviewed in court for legal error under a substantial evidence standard of review.

(2) Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to prescribe and amend rules and regulations for the administration of prisons, and requires regulations, which are adopted by the Department of Corrections and Rehabilitation, that may impact the visitation of inmates to recognize and consider the value of inmate visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation. Existing regulations establish the framework for establishing a visiting process in prisons that is conducted in as accommodating a manner as possible, subject to the need to maintain order, the safety of persons, the security of institutions and facilities, and required prison activities and operations. Existing law requires the department to contract with a private nonprofit agency or agencies to establish and operate a visitor center outside of each state adult prison in California that has a population of more than 300 inmates, and prescribes the minimum level of services to be

available to prison visitors, including emergency clothing and information on visiting regulations and processes. Existing law requires the department to cooperate with the Department of Transportation in the development of public transportation services to prisons, requires these department to evaluate the addition of stations or stops on existing bus or rail routes, or the addition of new services, which improve transportation access for visitors to prisons, and requires the department to publicize the availability of transportation services provided by the Department of Transportation.

This bill would additionally require those regulations pertaining to inmate visits to recognize and consider the right to personal visits as a civil right. The bill would establish the right of a person to have an in-person visit with an incarcerated person, and would only permit a visit to be denied in prescribed circumstances, including that the incarcerated person freely holds consent to the visit. The bill would prohibit ~~visits from being denied, as specified, including that the incarcerated person is placed on a restricted housing status. The bill would establish various standards related to visits, including the frequency and format, such as requiring phone and video calls to be provided free of charge to the incarcerated person and caller, and not limiting the duration of in-person noncontact visits during visiting hours. The bill would require a nonuniformed social worker to be readily available during visiting hours, would make that person responsible for screening minors before visits, and would prohibit the screening of minors by a correctional officer unless the parent, or the minor who is 13 years of age or older, consents to that screening. The bill would authorize a visit to be terminated if the visitor engages in specified activity, such as wearing clothing that does not cover identified parts of the body. The bill would require security and administrative tasks, such as computer upgrades, to be scheduled when those tasks do not interfere with visits. If a visit or call is interrupted or terminated, and the warden or a court later determines that there was no cause for the interruption or termination, the bill would require the facility to provide the visitor or caller with additional visiting or calling time, and to reimburse that person for expenses associated with the interrupted or terminated call.~~ *in-person contact visits from being denied, as specified, including as a disciplinary sanction against the incarcerated person. The bill would also require in-person contact visits to be provided no less than 4 days a week and would require emergency phone calls to be made available to certain incarcerated persons, as specified.*

~~This bill would require the state to contract with one or more organizations to appoint members to a visitor and caller review committee, to be composed of specified individuals, and to provide a visitor and caller liaison in each facility overseen by the department that provides in-person video or video calling. The bill would require the liaison to ensure that the rights of visitors and callers are protected during in-person and noncontact visiting and video calling at these facilities, and to be present in the visiting and video calling areas during visiting and video calling hours. The bill would require each facility overseen by the department to establish a visitor and caller review committee, consisting of specified persons, would make the committee responsible for reviewing complaints related to denied applications for visits or calling access, would require the committee to make a decision on the complaint within 20 days of the filing of that complaint, and would establish a review process for the committee's decision.~~

~~At least once per year, this bill would require each incarcerated person to be given the opportunity to designate an individual as their primary support person. If an incarcerated person is not placed in a facility that is within 100 miles of their primary support person, the bill would require that the primary support person and their minor children be given free transportation, transportation vouchers, or transportation reimbursement from an organization that contracts with the department to provide free or subsidized transportation for visits with incarcerated persons, as specified.~~

This bill would require the department to adopt regulations necessary to effectuate this act, including emergency regulations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) The Legislature finds and declares all of the following:

(1) The United States Supreme Court has recognized a constitutional right to maintain parent-child relationships absent a compelling government interest, such as protecting a child from an "unfit" parent (*Santosky v. Kramer* (1982) 455 U.S. 745, 753.). The United States Court of Appeals for the Ninth Circuit has recognized that this constitutional right logically encompasses a right to maintain a relationship with a life partner. (*United States v. Wolf Child* (2012) 699 F.3d 1082, 1091.).

(2) In 2009, the Legislature passed Senate Concurrent Resolution No. 20 (Resolution Chapter 88 of the Statutes of 2009), which encouraged the Department of Corrections and Rehabilitation to use the bill of rights created by the San Francisco Children of Incarcerated Parents Partnership as a framework for analysis and determination of procedures when making decisions about services for the children of incarcerated parents.

(3) The bill of rights created by the San Francisco Children of Incarcerated Parents Partnership includes all of the following:

(A) The child has the right to speak with, see, and touch their parent. Actions to realize this right include, but are not limited to, providing access to visiting rooms that are child-centered, nonintimidating, and conducive to bonding, considering proximity to family when siting prisons and assigning incarcerated persons, and encouraging child welfare departments to facilitate contact.

(B) The child has the right to support as that child faces a parent's incarceration. Actions to realize this right include, but are not limited to, training adults who work with young people to recognize the needs and concerns of children whose parents are incarcerated, providing access to specially trained therapists, counselors, and mentors, and allocating 5 percent of the corrections-related budget to support the families of incarcerated persons.

(C) The child has a right to a lifelong relationship with their parent. Actions to realize this right include, but are not limited to, reexamining the federal Adoption and Safe Families Act of 1997, designating a family services coordinator at prisons and jails, supporting incarcerated parents on reentry, and focusing on rehabilitation and alternatives to incarceration.

(4) The principles announced in the bill of rights created by the San Francisco Children of Incarcerated Parents Partnership additionally apply to close family members and loved ones of incarcerated people, including individuals not traditionally defined as family members.

(5) The United Nations has established minimum standards for the treatment of incarcerated people that require regular communication with family and friends by visits, telephone, electronic or digital communications, and mail. Moreover, "disciplinary sanctions or restrictive measures shall not include the prohibition of family contact."

(6) The American Bar Association has established minimum standards for incarcerated people that require sufficient visiting space, convenient visiting times, family-friendly environments, and no unreasonable exclusions of visitors based on criminal convictions.

(7) Research confirms that incarceration imposes heavy burdens on the families of incarcerated people, including trauma for the children of incarcerated parents, as recognized on the adverse childhood experience index, in addition to the high costs of maintaining contact by telephone and visits. Consistent visits also have the potential for reducing the likelihood of intergenerational criminality.

(8) Isolation from lack of visits and limited phone communications adversely affect the mental health of incarcerated people, and that isolation contributes to mental suffering and conflict within prisons. Research shows that visits and family programming reduce disciplinary infractions, increase the chances of successful parole, and decrease recidivism rates upon release and reentry into the community. Forty to 80 percent of incarcerated people rely on their families immediately after release to overcome reentry obstacles, including unemployment, debt, and homelessness.

(9) The COVID-19 pandemic has exacerbated these burdens for families and adverse effects of isolation for incarcerated persons. Since March 2020, in-person visits have been canceled, and this policy exists as of January 2021. Only limited free phone calls have been provided. Since December 2020, limited video calling has become available.

(b) Therefore, it is the intent of the Legislature to strengthen visiting rights to support the emotional health of Californians and their incarcerated loved ones, to improve in-custody conduct, and to reduce recidivism. By strengthening these visiting rights, it is further the intent of the Legislature to align California law with the practices that social science tells us are most effective for incarcerated individuals, their family members and loved ones, and for society as a whole.

**SEC. 2.** Section 2600 of the Penal Code is amended to read:

**2600.** (a) A person sentenced to imprisonment in a state prison or to imprisonment pursuant to subdivision (h) of Section 1170 may during that period of confinement be deprived of rights if the deprivation of those rights is

necessary and narrowly tailored to further the legitimate security interests of the government.

(b) This section does not overturn the decision in Thor v. Superior Court, 5 Cal. 4th 725.

**SEC. 3.** Section 2601 of the Penal Code is amended to read:

**2601.** Each person described in Section 2600 shall have all of the following civil rights set forth under subdivisions (a) to (i), inclusive. These rights may not be infringed upon, except as necessary and only if narrowly tailored to further the legitimate security interests of the government. Any governmental action related to these rights may be reviewed in court for legal error and under a substantial evidence standard of review.

(a) Except as provided in Section 2225 of the Civil Code, to inherit, own, sell, or convey real or personal property, including all written and artistic material produced or created by the person during the period of imprisonment. However, to the extent authorized in Section 2600, the Department of Corrections and Rehabilitation may restrict or prohibit sales or conveyances that are made for business purposes.

(b) To correspond, confidentially, with any member of the State Bar of California or holder of public office, provided that the prison authorities may open and inspect incoming mail to search for contraband.

(c) (1) To purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office. Pursuant to this section, prison authorities may exclude any of the following matter:

(A) Obscene publications or writings, and mail containing information concerning where, how, or from whom this matter may be obtained.

(B) Any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence.

(C) Any matter concerning gambling or a lottery.

(2) This section does not limit the right of prison authorities to do either of the following:

(A) Open and inspect any and all packages received by an inmate.

(B) Establish reasonable restrictions on the number of newspapers, magazines, and books that the inmate may have in their cell or elsewhere in the prison at one time.

(d) To initiate civil actions, subject to a three dollar (\$3) filing fee to be collected by the Department of Corrections and Rehabilitation, in addition to any other filing fee authorized by law, and subject to Title 3a (commencing with Section 391) of the Code of Civil Procedure.

(e) To marry.

(f) To create a power of appointment.

(g) To make a will.

(h) To receive all benefits provided for in Sections 3370 and 3371 of the Labor Code and in Section 5069.

(i) To receive personal visits.

**SEC. 4.** Section 6400 of the Penal Code is amended to read:

**6400.** Amendments to existing regulations and any future regulations adopted by the Department of Corrections and Rehabilitation that may impact the visitation of inmates shall do all of the following:

(a) Recognize and consider the right to personal visits as a civil right pursuant to subdivision (i) of Section 2601.

(b) Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and inmates.

(c) Recognize and consider the important role of inmate visitation in establishing and maintaining a meaningful connection with family and community.

(d) Recognize and consider the important role of inmate visitation in preparing an inmate for successful release and rehabilitation.

~~SEC. 5. Section 6401 is added to the Penal Code, to read:~~

~~6401.(a) A person shall have the right to an in-person contact visit with an incarcerated person:~~

~~(b) A visit may only be denied as follows:~~

~~(1)(A) The visitor has committed one or more of the following offenses in a prison or jail:~~

~~(i) They brought contraband into the facility during a visit. For purposes of this clause, contraband excludes any lawful amount of alcohol, marijuana, or other intoxicants for personal use in a vehicle parked on facility grounds:~~

~~(ii)(I) They engaged in sexual intercourse, penetration, masturbation, or oral copulation during a visit with a person other than a family visit:~~

~~(II) For purposes of this subdivision, "masturbation" shall mean skin-to-skin contact with genitalia:~~

~~(iii) They committed violence during a visit or the visiting screening process:~~

~~(iv) They attempted, or aided in, an escape during a visit:~~

~~(B) A visitor who has committed an offense described under clause (i) to (iv), inclusive, of subparagraph (A) may be denied visits for up to one year after the commission of that offense:~~

~~(2)(A) The visitor has not provided a criminal history report, as issued by the Department of Justice, and government issued photographic identification before approval of a visitor application. A visitor who fails to provide this information may be denied the right to visit until the required information is provided and the application is processed:~~

~~(B) For purposes of subparagraph (A), the criminal history report shall be obtainable by the prospective visitor free of charge:~~

~~(3) The incarcerated person freely withholds consent to the visit. The incarcerated person shall not be required to withhold consent to a visit as a disciplinary sanction, as a means of avoiding a disciplinary sanction, or as a condition of participating in programming or enjoying any privilege while incarcerated:~~

~~(c) A visit shall not be denied for any of, but not limited to, the following reasons:~~

~~(1) As a disciplinary sanction against the incarcerated person that is not based on any violation of a law or regulation by the incarcerated person that occurred during the incarcerated person's visit with the affected visitor:~~

~~(2) Solely due to the incarcerated person's restricted housing status, including placement in administrative segregation or a security housing unit:~~

~~(3) Due to an omission or inaccuracy on the visitor application if the omitted or correct information is provided on the visitor's criminal history report, as issued by the Department of Justice:~~

~~(4) Because of a visitor's criminal, juvenile delinquency, or other history of involvement with law enforcement, whether or not it resulted in a criminal conviction, other than a conviction for an offense listed in paragraph (1) of subdivision (b), a visitor's current status of being under parole, postrelease community supervision, probation, or informal probation supervision, or a visitor's previous incarceration, including incarceration in the facility where the visit will take place:~~

~~(5) Due to the nature of the incarcerated person's criminal, juvenile delinquency, or other history of involvement with law enforcement, regardless of whether it resulted in a criminal conviction, other than a conviction for an offense set forth under clause (i) to (iv), inclusive, of subparagraph (A) of paragraph (1) of subdivision (b), except when required by Section 1202.05:~~

~~(d) To the extent that visiting rules and standards, as prescribed in Title 15 of the California Code of Regulations, conflict with this section, the Department of Corrections and Rehabilitation shall adopt regulations that conform with this section:~~

**SEC. 5. Section 6401 is added to the Penal Code, to read:**

**6401. (a) An in-person contact visit shall not be denied for any of the following reasons:**

(1) As a disciplinary sanction against the incarcerated person that is not based on any violation of a law or regulation by the incarcerated person that occurred during the incarcerated person's visit with the affected visitor.

(2) Due to an omission or inaccuracy on the visitor application if the omitted or correct information is provided on the visitor's criminal history report, as issued by the Department of Justice to the visitor, and the visitor provided government-issued identification.

(3) Because of a visitor's criminal, juvenile delinquency, or other history of involvement with law enforcement, whether or not it resulted in a criminal conviction, other than a conviction for an offense listed in paragraph (5), a visitor's current status of being under parole, postrelease community supervision, probation, or informal probation supervision, or a visitor's previous incarceration, including incarceration in the facility where the visit will take place.

(4) Due to the nature of the incarcerated person's criminal, juvenile delinquency, or other history of involvement with law enforcement, regardless of whether it resulted in a criminal conviction, other than a conviction for an offense set forth under paragraph (5), except when required by Section 1202.05.

(5) A visitor or incarcerated person may be denied visits for up to one year after the commission of one of the following offenses:

(A) Bringing contraband into the facility during a visit. For purposes of this subparagraph, contraband excludes any lawful amount of alcohol or other intoxicants for personal use in a vehicle parked on facility grounds.

(B) (i) Engaging in sexual intercourse, penetration, masturbation, or oral copulation during a visit with a person other than a family visit or engaging in any sexual conduct with a child during a visit.

(ii) For purposes of this subparagraph, "masturbation" means skin-to-skin contact with genitalia.

(C) Committing violence during a visit or the visiting screening process.

(D) Attempting, or aiding in, an escape during a visit.

(b) An incarcerated person shall not be required to withhold consent to a visit as a disciplinary sanction, as a means of avoiding a disciplinary sanction, or as a condition of participating in programming or enjoying any privilege while incarcerated.

(c) To the extent that visiting rules and standards, as prescribed in Title 15 of the California Code of Regulations, conflict with this section, the Department of Corrections and Rehabilitation shall adopt regulations that conform with this section.

**SEC. 6.** Section 6401.5 is added to the Penal Code, to read:

**6401.5.** (a) In-person contact visits, noncontact visits, ~~family visits, phone calls, and video calls shall each be provided no less frequently than every day from 8:00 a.m. to 8:00 p.m. and family visits shall be provided no less frequently than four days a week.~~ Sufficient visiting and calling space and times shall be made available to allow every person who seeks a contact visit, a noncontact visit, family visit, a phone call, or a video call with an incarcerated person to have that visit or call with that person when requested.

~~(b) Phone and video calls shall be provided free of charge to the incarcerated person and the caller.~~

~~(c) In-person contact and noncontact visits shall not be limited in duration within the visiting hours.~~

~~(d) A cell phone or tablet that is capable of voice over internet protocol shall be provided free of charge to each incarcerated person. This phone or tablet shall have the ability to send and receive calls and emails while the incarcerated person is in their housing area. The incarcerated person shall have the right, when not engaged in programming or a work assignment, to send and receive calls and emails to and from a preapproved list of personal correspondents, an attorney, court, legal library, or legal services organization.~~

~~(e)~~

(b) Emergency phone calls shall be made available to persons outside of the Department of Corrections and Rehabilitation and to incarcerated people, as specified under paragraphs (1) and (2). The Department of Corrections and Rehabilitation shall provide persons outside the facility the means to initiate a phone call to an incarcerated person in either of the circumstances described in paragraphs (1) and (2).

~~(1) Whenever the incarcerated person has been hospitalized or moved to a medical unit of the facility:~~

*(1) When the incarcerated person has been admitted to the hospital for a serious medical reason.*

(A) At least once a year, *and within 30 calendar days of an infectious disease outbreak in a department facility*, every incarcerated person shall be asked whom they want covered by ~~their medical release of information~~ *the following documents* and shall be assisted in completing the necessary ~~paperwork~~ *paperwork for the following documents*:

*(i) Approved visitor list. If the incarcerated person would like to add a visitor, the department shall provide a visitor application form for the incarcerated person to sign and send to the potential visitor, who may then complete and submit it to the visiting department of the facility.*

*(ii) Medical release of information form.*

*(iii) Medical power of attorney form.*

*(iv) Next of Kin form authorizing control over body and possessions in case of death.*

(B) Within 24 hours of an incarcerated person being hospitalized ~~or moved to a medical unit~~ *for a serious medical reason*, the Department of Corrections and Rehabilitation shall inform all persons covered by the current ~~release~~ *medical release of information form* about the incarcerated person's health status, and shall facilitate ~~a phone call~~ *phone calls* between the incarcerated person and those ~~persons~~ *persons if the incarcerated person consents*.

(C) If the incarcerated person is able to provide knowing and voluntary consent, the Department of Corrections and Rehabilitation ~~shall~~ *shall, within 24 hours of admission*, ask the incarcerated person whether they want to add people to ~~their medical release~~ *any of the forms included in clauses (i) to (iv), inclusive, of subparagraph (A)* who have not previously been designated. The Department of Corrections and Rehabilitation shall *promptly* assist, as necessary, the incarcerated person in completing the paperwork. The Department of Corrections and Rehabilitation shall promptly inform the newly designated ~~person~~ *persons on the medical release form* of the incarcerated person's condition and facilitate a phone call between the incarcerated person and the newly designated person. *The department shall also facilitate other outgoing phone calls by the incarcerated person at the incarcerated person's request.*

(D) If a person outside of the Department of Corrections and Rehabilitation seeks information about an incarcerated person who has been ~~hospitalized or moved to a medical unit of the facility~~ *admitted to a hospital for a serious medical reason*, and that person is not covered by the incarcerated person's medical release, the Department of Corrections and Rehabilitation ~~shall~~ *shall, within 24 hours*, ask the incarcerated person if they want to include the inquiring person in the scope of their medical ~~release. If appropriate, release, or talk by phone with the person, or both. As applicable,~~ the Department of Corrections and Rehabilitation shall amend the medical release, including assisting the incarcerated person with the necessary paperwork, if the incarcerated person is able to provide knowing and voluntary ~~consent. The Department of Corrections and Rehabilitation shall subsequently and promptly inform the inquiring person of the incarcerated person's medical condition and facilitate a phone call between the incarcerated person and the newly designated person.~~ *consent and shall inform the inquiring person of the incarcerated person's medical condition. As applicable, the department shall facilitate a phone call between the incarcerated person and the newly designated person. The patient shall be informed that they have the right to refuse consent and their refusal shall not be communicated to the inquiring party, and there shall be no adverse consequences from medical or department staff for refusing.*

(2) The Department of Corrections and Rehabilitation shall maintain a dedicated line for outside people to call to inform the department that a family member, approved visitor or caller, or primary support person, as designated in subdivision (a) of Section 6405, ~~of if~~ the incarcerated person has been hospitalized, becomes critically ill, or has died. Upon receipt of these calls, the Department of Corrections and Rehabilitation shall notify the incarcerated person.

~~(f)~~

*(c) Emergency in-person contact visits and video calls shall be made available whenever an incarcerated person is hospitalized or moved to a medical unit within the facility and the incarcerated person is in critical or more serious medical condition. If in-person contact visits are unavailable at the facility due to a public health emergency or are inconsistent with the patient's current medical treatment needs, as determined by their*

*medical provider, video calls shall be made available. Any visitor approval process shall be conducted within 24 hours. However, no visitor approval process shall be required when the patient is in imminent danger of dying.*

*(d) For purposes of this section, hospital shall include an on-site facility set up to provide hospital-like services during a public health emergency.*

~~(g) Whenever in-person visiting is impossible, all previously scheduled in-person visiting time shall be replaced by additional video-calling time that is free of charge to the incarcerated person and the caller.~~

~~(h) To the extent that visiting rules and standards, as prescribed in Title 15 of the California Code of Regulations, conflict with this section, the Department of Corrections and Rehabilitation shall adopt regulations that conform with this section.~~

~~SEC. 7. Section 6401.6 is added to the Penal Code, to read:~~

~~6401.6.(a) A nonuniformed social worker, who is chosen and trained by the visitor and caller liaison, as specified in Section 6403, shall be readily available during visiting hours, and shall be responsible for screening minors before any visit. The screening of a minor shall not be conducted by a correctional officer unless the parent, or the minor who is 13 years of age or older, consents.~~

~~(b) A licensed health care provider shall be readily available during visiting hours, and shall be responsible for conducting unclothed body searches. An unclothed body search shall be conducted in a private location. An unclothed body search shall not be conducted by a correctional officer unless the visitor consents.~~

~~(c) A search of clothing and personal property shall be conducted in the presence of the visitor, and, if requested by the visitor, shall be video-recorded.~~

~~(d) A prison employee shall only enforce visiting rules and standards prescribed in law, including this code and Title 15 of the California Code of Regulations.~~

~~(e) A visit may be terminated only if the visitor engages in any of the following during the visit:~~

~~(1) Fails to provide a valid government-issued photo identification at the time of the visit for each adult visitor, emancipated minor visitor, and minor who is a spouse of the incarcerated person whom the minor seeks to visit, or fails to provide valid documentation of a change of name or address from that information supplied on the visitor's application. Valid documentation includes, but is not limited to, marriage or divorce court documents, a lease or deed, an item of mail delivered to the new address, and a temporary driver's license or permit.~~

~~(2) Fails to provide documentation establishing that an adult accompanying a minor not described in paragraph (1) is the minor's parent or legal guardian or has permission from the minor's parent or legal guardian to visit the incarcerated person whom the minor seeks to visit.~~

~~(3) Notwithstanding paragraphs (1) and (2), inclusive, prison employees may waive identification and documentation requirements.~~

~~(4) Wears clothing that resembles the clothing of people incarcerated or employed at the facility and refuses to change into different clothing.~~

~~(5)(A) Wears clothing that does not cover most of the front and back torso, thighs, and breasts, or does not completely cover the buttocks, genitalia, and areola.~~

~~(B) Wears clothing described in subparagraph (A) and refuses to change into different clothing.~~

~~(6) Disrupts the visiting area, fails to follow staff instructions, or engages in sexual conduct, as defined in subdivision (f), other than in a family visit, after the visitor has been counseled to stop and warned that continuing the behavior could lead to termination of the visit.~~

~~(7) Refuses to submit to a search as authorized under this section.~~

~~(8) Commits any of the offenses listed in subparagraph (A) of paragraph (1) of subdivision (b) of Section 6401.~~

~~(f)(1) For purposes of this section, "sexual conduct" means either of the following:~~

~~(A) The rubbing or touching of any breast, buttock, or sexual organ for the purpose of arousing, appealing to, or gratifying lust, passions, or sexual desires.~~



~~(B)The exposure of any breast, buttock, or sexual organ for the purpose of arousing, appealing to, or gratifying lust, passions, or sexual desires:~~

~~(2)For purposes of this section, sexual conduct excludes any acts addressed under subparagraphs (A) to (D); inclusive, and the Department of Corrections and Rehabilitation shall not prohibit those acts:~~

~~(A)Holding hands or touching the head, back, shoulders, or lower thighs:~~

~~(B)For a child who is 12 years of age or younger, sitting on an adult's lap:~~

~~(C)Hugging or kissing at the beginning or end of a visit:~~

~~(D)Hugging or kissing at any time with a child who is 12 years of age or younger:~~

~~(g)Security and administrative tasks, including computer upgrades, shall be scheduled at a time that does not interfere with visiting or when there is additional staff available to perform those tasks to ensure the tasks do not interfere with visiting. Whenever facility visiting hours are canceled or reduced due to a genuine emergency, the facility shall provide accommodations for visitors who show up for visits on that day, and these accommodations shall continue until visits are again made available. Additional visiting hours shall be scheduled within 24 hours of the termination of visits due to the emergency if necessary to accommodate the visitors:~~

~~(h)If a visit or call is interrupted or terminated, and the warden or a court later determines there was no cause for the interruption or termination, the facility shall provide the visitor or caller with additional visiting and calling time, and shall reimburse the visitor or caller for any expenses associated with the interrupted or terminated call:~~

~~(i)To the extent that visiting rules and standards, as prescribed in Title 15 of the California Code of Regulations, conflict with this section, the Department of Corrections and Rehabilitation shall adopt regulations that conform with this section:~~

~~SEC. 8. Section 6403 is added to the Penal Code, to read:~~

~~6403.(a)(1)The state shall contract with one or more organizations, as described in paragraph (2), to appoint members of a visitor and caller review committee and to provide a visitor and caller liaison in each facility overseen by the department that provides in-person visiting or video calling. The contract shall not be terminated on the ground that one or more of the liaisons zealously advocates for the rights of visitors or callers:~~

~~(2)The organization shall be led by formerly convicted or incarcerated or system-impacted people, and shall have at least a five-year history of providing services to, or advocating for, those people independent of the Department of Corrections and Rehabilitation. System-impacted refers to people who have borne financial or other costs of having relationships with currently or formerly convicted or incarcerated people:~~

~~(b)(1)The liaison shall ensure that the rights of visitors and callers are protected during all in-person contact and noncontact visiting and video calling at facilities overseen by the Department of Corrections and Rehabilitation:~~

~~(2)The liaison shall be present in the visiting and video calling areas during all visiting and video calling hours, and shall be authorized to interact directly and promptly with staff in the visiting or video calling areas to raise concerns about compliance with laws and regulations on visiting and video calling:~~

~~(3)If unable to resolve a concern with staff, the liaison shall have the right to immediately contact the highest official on duty to raise the concern:~~

~~(4)If the concern is not resolved, the liaison or the affected visitor or caller may individually or collectively file a formal complaint, and the warden shall be required to resolve and respond to the complaint within three days. Once a complaint is made, surveillance video of the relevant visiting or calling area for the date and time of the alleged violation shall be preserved until the complaint and any subsequent legal proceeding are resolved:~~

~~(c)Each institution within the Department of Corrections and Rehabilitation shall establish a visitor and caller review committee consisting of an equal number of persons appointed by one or more organizations, as described in paragraph (2) of subdivision (a), and persons appointed by the warden. If an application for visiting or calling access is denied, or visiting or calling rights are suspended or revoked, and a complaint is filed, this committee shall meet to review the complaint and determine whether a violation of law or regulations occurred. The committee shall make a decision on the complaint within 20 days of the filing of the complaint. The committee's decision, or the opinions of the committee members if the committee is not able to reach consensus, shall be reviewed by the warden, who shall make a final decision within 15 days of receiving the~~

~~committee's communication. The warden's decision shall be reviewable by a superior court upon de novo review by petition for a writ of habeas corpus. The visitor or caller shall have third-party standing to raise issues on behalf of the incarcerated person whose visit or call was affected. Upon request, the liaison shall assist people who have been denied visiting and calling access.~~

~~(d)A liaison, or the affected visitor or caller, may individually or collectively file a complaint for noncompliance of visiting rules and laws, including Section 6405, by way of a petition for a writ of habeas corpus filed in superior court, and that court shall make a decision upon de novo review. The visitor or caller shall have third-party standing to raise issues on behalf of the incarcerated person whose visit or call was affected.~~

~~(e)If a visitor's or caller's visit or call is interrupted or terminated, and the warden or a court later determines there was no cause for the interruption or termination, the facility shall provide the visitor or caller with additional visiting and calling time, and shall reimburse the visitor or caller for any expenses associated with the interrupted or terminated call.~~

~~SEC. 9. Section 6405 is added to the Penal Code, to read:~~

~~6405.(a)At least once a year, each incarcerated person shall be given the opportunity to designate an individual as a "primary support person."~~

~~(b)If an incarcerated person is not placed in a facility administered by the Department of Corrections and Rehabilitation that is within 100 miles of the residence of the incarcerated person's primary support person, as designated by the incarcerated person pursuant to subdivision (a), the primary support person and their minor children shall receive free transportation, transportation vouchers, or transportation reimbursement from an organization, as described in subdivision (c). These services shall be sufficient to visit the incarcerated person once a month.~~

~~(c)(1)The state shall contract with an organization to provide free or subsidized transportation for visits with incarcerated people. The contract shall require the organization to provide free transportation, transportation vouchers, or transportation reimbursement as set forth in subdivision (b). Transportation compensation shall be paid at the state government reimbursement rate.~~

~~(2)This organization shall be led by formerly incarcerated or system-impacted people, and shall have at least a one-year history of providing services to or advocating for these people independent of the Department of Corrections and Rehabilitation. System-impacted refers to people who have borne financial or other costs of having relationships with currently or formerly incarcerated people.~~

~~(d)The department shall not transfer the incarcerated person in order to avoid transportation costs pursuant to subdivision (c) unless the incarcerated person freely consents.~~

~~**SEC. 10.**~~ **SEC. 7.** The Department of Corrections and Rehabilitation shall adopt regulations necessary to effectuate this act, including emergency regulations, pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Date of Hearing: April 13, 2021

ASSEMBLY COMMITTEE ON JUDICIARY  
Mark Stone, Chair  
AB 1007 (Carrillo) – As Introduced February 18, 2021

PROPOSED CONSENT

**SUBJECT:** FORCED OR INVOLUNTARY STERILIZATION PROGRAM:  
COMPENSATION

**KEY ISSUE:** SHOULD AN INDIVIDUAL WHO IS ALIVE TODAY AND WHO WAS INVOLUNTARILY STERILIZED WHILE EITHER A PATIENT AT A SPECIFIED STATE INSTITUTION BETWEEN 1909 AND 1979, OR INCARCERATED WHILE UNDER THE CUSTODY AND CONTROL OF THE DEPARTMENT OF CORRECTIONS, BE ENTITLED TO COMPENSATION FROM THE STATE OF CALIFORNIA AS PART OF A PROGRAM ADMINISTERED BY THE CALIFORNIA VICTIMS COMPENSATION BOARD?

**SYNOPSIS**

*This bill would establish the Forced or Involuntary Sterilization Compensation Program to be administered by the California Victim Compensation Board in order to provide victim compensation to a person who is one of the following:*

- 1) *An individual who was sterilized pursuant to eugenics laws that existed in the State of California between 1909 and 1979; the individual was sterilized while he or she was a patient at a specified state institution; and the individual is alive as of January 1, 2020; or*
- 2) *An the individual who was sterilized while under the custody and control of the Department of Corrections and Rehabilitation (CDCR), county jail, or any other institution in which they were involuntarily confined or detained under a civil or criminal statute and were subject to sterilization that meets certain criteria, including that it was not medically necessary or was performed without demonstrated informed consent.*

*According to the author, this bill “will rightfully compensate people who were involuntarily sterilized under California’s previous eugenics law and in women’s state prisons after 1979, by creating the Forced Sterilization Compensation Program.” The bill is sponsored by California Latinas for Reproductive Justice, supported by dozens of women’s rights, civil rights, disability rights, and prisoner rights organizations, among others. There is no opposition on file. The bill was recently unanimously approved by the Assembly Public Safety Committee (on consent).*

**SUMMARY:** Establishes the Forced or Involuntary Sterilization Compensation Program to provide compensation to those who were forcibly sterilized under California’s eugenic laws, as well as those sterilized without medical necessity or demonstrated informed consent while incarcerated. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations about California’s eugenics laws and sterilization program.
- 2) Establishes the Forced or Involuntary Sterilization Compensation Program to be administered by the California Victims Compensation Board (the board).

- 3) States that the purpose of the program is to provide compensation to any survivor of state-sponsored sterilization conducted pursuant to eugenic laws that existed in the State of California between 1909 and 1979.
- 4) Defines the following terms:
  - a) "Board" means the California Victim Compensation Board;
  - b) "Program" means the Forced or Involuntary Sterilization Compensation Program; and,
  - c) "Qualified recipient" means:
    - i) An individual who was sterilized pursuant to eugenics laws that existed in the State of California between 1909 and 1979; the individual was sterilized while he or she was a patient at a specified state institution; and the individual is alive as of January 1, 2020; or,
    - ii) An the individual who was sterilized while under the custody and control of the Department of Corrections and Rehabilitation (CDCR), county jail, or any other institution in which they were involuntarily confined or detained under a civil or criminal statute; the sterilization was not medically necessary to preserve the person's life or was not pursuant to a chemical sterilization program administered to convicted sex offenders; and the sterilization meets one of several other circumstances, including sterilization that was not medically necessary, or performed for purposes of birth control, or performed without demonstrated informed consent.
- 5) Requires CDCR to post notice of the program, qualifications, and claim process in all parole and probation offices, as well as in all state prison yards.
- 6) Requires the board to do all of the following to implement the program:
  - a) Develop an outreach plan within six months of enactment, and conduct outreach to locate qualified recipients, as specified;
  - b) Develop and implement procedures to review and process applications within six months of enactment;
  - c) Review and verify all applications for victim compensation;
  - d) Consult the eugenic sterilization database at the University of Michigan, and records of specified agencies, including the State Department of State Hospitals (DSH), the State Department of Developmental Services (DDS), CDCR, to verify the identity of an individual claiming to have been sterilized pursuant to eugenics laws or while under the custody of CDCR;
  - e) Disclose coercive sterilizations that occurred in California prisons; and,
  - f) Oversee an appeal process.
- 7) Requires DSH and DDS to share data with the board pertaining to individuals sterilized in state institutions.

- 8) Requires the board to use a preponderance of the evidence standard to determine whether it is more likely than not that the applicant is a qualified recipient.
- 9) Prohibits the board from denying compensation to any claimant who is a qualified recipient.
- 10) Requires the board to keep confidential any record pertaining to either an individual's application for victim compensation or the board's verification of the application, but allows disclosure of aggregate claimant information.
- 11) Requires the board to annually submit a report to the Legislature that includes the number of applications submitted, the number of applications approved, the number of applications denied, and the number of claimants paid, the number of appeals submitted and the result of those appeals, and the total amount paid in compensation. The report shall also include data on demographic information of the applicants, as well as data on outreach methods or processes used by the board to reach potential claimants.
- 12) States that these provisions shall become operative only upon an appropriation to the board, DSH, DDS, and CDCR for the purposes of implementing this bill.
- 13) Requires the board to hold any appropriated funds in a separate account, and only those funds shall be used for the purpose of implementing the program.
- 14) States that an individual seeking compensation under the program shall submit an application to the board beginning six months after the start date of the program and no later than two years and six months after its start date.
- 15) Establishes a payment schedule for qualified applicants with initial payment within 60 days of approval and final payment after the filing window when all eligible applicants have been determined.
- 16) Allows a recipient to assign his or her compensation to a trust established for his or her benefit and to designate a beneficiary for his or her compensation.
- 17) Provides that a payment made to a qualified recipient shall not be considered taxable income for state tax purposes, or income or resources for determining eligibility for benefits or assistance under any state or local means-tested program; community property for the purpose of determining property rights, and exempts payments from collection from various kinds of debt, such as child support and court-ordered fines and fees.

**EXISTING LAW:**

- 1) States that a person sentenced to imprisonment in the state prison or in county jail is under the protection of the law, and any injury to the person not authorized by law is punishable in the same manner as if the inmate were not convicted or sentenced. (Penal Code Section 2650. All further statutory citations are to this code, unless otherwise indicated.)
- 2) Makes it unlawful to use any cruel, corporal or unusual punishment in prisons, or to inflict any treatment or allow any lack of care which would injure or impair the health of the confined person. (Section 2652.)

- 3) Prohibits sterilization for the purpose of birth control of an individual under the control of the California Department of Corrections and Rehabilitation (CDCR) or a county correctional facility, except as specified. (Section 3440.)
- 4) Requires CDCR to only provide medical services for inmates that are based on medical necessity and supported by outcome data as effective medical care. (Cal. Code Regs., tit. 15, Section 3350, subd. (a).)
- 5) Establishes the board to operate the California Victim Compensation Program and tasks the board with the administration of claims of erroneously convicted persons. (Section 4900, Government Code Section 13950 *et seq.*)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** This bill would establish the Forced or Involuntary Sterilization Compensation Program to be administered by the California Victim Compensation Board in order to provide victim compensation to a person who is one of the following:

- 1) An individual who was sterilized pursuant to eugenics laws that existed in the State of California between 1909 and 1979; the individual was sterilized while he or she was a patient at a specified state institution; and the individual is alive as of January 1, 2020; or,
- 2) An the individual who was sterilized while under the custody and control of the Department of Corrections and Rehabilitation (CDCR), county jail, or any other institution in which they were involuntarily confined or detained under a civil or criminal statute and were subject to sterilization that meets certain criteria, including that it was not medically necessary or was performed without demonstrated informed consent.

According to the author, this bill “will rightfully compensate people who were involuntarily sterilized under California’s previous eugenics law and in women’s state prisons after 1979, by creating the Forced Sterilization Compensation Program.”

***History of California’s Eugenic Sterilization Program (1909 – 1979).*** In 1909, California became the second state in the nation to pass a eugenics law, making it legal to sterilize the “feeble-minded.” After Indiana passed a pioneering statute allowing state officials to sterilize those deemed unfit to breed, California enacted an even stricter eugenics law. California made it legal for state officials to asexualize those considered feeble-minded, prisoners exhibiting sexual or moral perversions, and anyone with more than three criminal convictions. Eugenists theorized that “they could improve the human species through selective breeding, which meant preventing habitual criminals, inmates of insane asylums and sexual deviants from having kids.” Eugenics first became popular “around the turn of the last century when scientific thinkers, notably Sir Francis Galton, cousin of evolutionist Charles Darwin, began arguing that allowing the unfit to have children might weaken the human herd and should be controlled by law.” (Abate, *State's little-known history of shameful science /California's role in Nazis' goal of 'purification'*, SF Gate (Mar. 10, 2003) <<https://www.sfgate.com/business/article/State-s-little-known-history-of-shameful-science-2663925.php>> [as of Apr. 4, 2018].)

In an SF Gate article from 2003, University of Virginia bioethicist Paul Lombardo, who also testified before the California Senate Select Committee on Genetics that year, gave the following background on California’s Eugenic Sterilization Program:

As Lombardo explained, by using the term "asexualization" instead of "sterilization," California's law went beyond ordering vasectomies in men or tubal ligations in women. California made it legal to castrate a man or remove the ovaries from a woman, permanently preventing reproduction.

Lombardo said California's asexualization statute passed unanimously in the state Assembly, drew only one dissenting vote in the state Senate and was signed into law by Gov. James M. Gillett in 1909.

It was amended at least twice, in 1913 and 1917, to shift the focus of California's eugenics program away from the castration of prisoners and toward the sterilization of insane asylum inmates.

"If you look at the numbers of people from 1909 through 1950 sterilized in California, it's something on the order of 19,000, evenly split between men and women," Lombardo said. "My guess would be most of those were not castration but were vasectomies or tubal ligations, which are a lot cheaper, faster and safer." (Abate, *State's little-known history of shameful science / California's role in Nazis' goal of 'purification', supra.*)

California was so prominent, efficient, and prolific in its practice of forced sterilization that it was held up as a model for Nazi Germany. In 1935, for example, a diagram displaying the pedigree of "a feeble-minded woman sterilized by the state of California" was presented at an international conference on eugenics in Germany. (Abate, *State's little-known history of shameful science / California's role in Nazis' goal of 'purification', supra.*) "There's lots of connections between the Germans interested in sterilization and the Americans," Lombardo said, adding that after Hitler took power in 1933, "the very first law passed by the Reichstag was the law for the sterilization of the hereditarily diseased." (*Ibid.*)

California's eugenics law was finally repealed in 1979. According to data collected by Alexandra Stern, Ph.D., as of 2016, an estimated 831 individuals were alive who could qualify for compensation because they were sterilized pursuant to the state's eugenics laws. (Stern, *California's Sterilization Survivors: An Estimate and Call for Redress, American Journal of Public Health* (Dec. 2016) <<https://ajph.aphapublications.org/doi/10.2105/AJPH.2016.303489>>.)

According to information provided by the author, by 2022, when this bill would take effect, only an estimated 350 of those who were sterilized by the State of California between 1909-1979 will still be alive. An additional 100 — and likely more because of COVID-19 — are dying every year. According to the author, swift action to compensate the survivors is necessary: "This program will take two years to be fully implemented. . . . [Soon] there will be virtually no eugenics-era survivors left to compensate. These 350 people, like the 19,650 before them, will die without seeing any form of justice."

***Practice of Involuntary Sterilization in California Prisons.*** In June of 2014, the California State Auditor released her audit of female inmate sterilizations that occurred in the state prison system's medical facility between fiscal years 2005–06 and 2012–13. (See *Sterilization of Female Inmates, Some Inmates Were Sterilized Unlawfully, and Safeguards Designed to Limit Occurrences of the Procedure Failed*, June 2014, available at: <https://www.auditor.ca.gov/pdfs/reports/2013-120.pdf>)

The Auditor's office mainly focused on bilateral tubal ligations, which is not a medically necessary procedure, and whose sole purpose is female sterilization. The focus was not on other procedures, such as hysterectomies, which may be conducted to treat cancer or address other health problems but which also result in sterilization. From fiscal year 2005–06 through 2012–13, data from the Receiver's Office showed that 794 female inmates underwent various procedures that could have resulted in sterilization. (*Id.* at 13.) Out of those, the Auditor determined that 144 of these inmates underwent a bilateral tubal ligation. (*Ibid.*)

State regulations impose certain requirements, including informed consent of the patient, before a bilateral tubal ligation can be performed. The Auditor found that the state entities responsible for providing medical care to these inmates— CDCR and the Receiver's Office—sometimes failed to ensure that inmates' consent for sterilization was lawfully obtained. (*Id.* at 19.)

It is difficult to know or even estimate the total number of inmates and former inmates in California's jails and prisons who were subjected to involuntary sterilization. It is unclear when the practice started, but it presumably stopped in 2015, when sterilization of female inmates for purposes of birth control was functionally prohibited. (Section 3440.)

**ARGUMENTS IN SUPPORT:** California Latinas for Reproductive Justice, sponsor of the bill, write the following in support:

It is imperative that the Legislature confront California's long history of reproductive violence against Black, Indigenous, and other people of color; people with disabilities; LGBTQI+ people; people in carceral settings; and/or people living in poverty. AB 1007 serves as a vital first step to materially acknowledge the discriminatory harms inflicted on a large number of Californians and to prevent eugenic sterilization of vulnerable populations into the future.

Likewise, Women's Foundation California, emphasizes the need to quickly compensate the survivors of involuntary sterilization, especially the elderly survivors of the state's eugenics program, in its support of the bill:

By providing reparations for its egregious forms of reproductive oppression — perpetrated in state institutions and prisons as recently as 2010 — California can lead the nation in eradicating vestiges of eugenics, and allow our communities to start to heal. After three years of seeking reparations for survivors of forced sterilizations, and with the utmost urgency to end the legacy of eugenics in California and compensate an aging population, the WFC respectfully requests your "aye" vote for AB 1007.

**Prior Legislation:** AB 3052 (Carrillo), of the 2019-2020 Legislative Session, contained the same provisions as this bill. AB 3052 was held in the Assembly Appropriations Committee.

AB 1764 (Carrillo), of the 2019-2020 Legislative Session, contained the same provisions as this bill. AB 1764 was held in the Assembly Appropriations Committee.

SB 1190 (Skinner), of the 2017-2018 Legislative Session, would have established the Eugenics Sterilization Compensation Program to provide compensation for those who were forcibly sterilized under California's eugenic laws. SB 1190 was held in the Assembly Appropriations Committee.



SB 1135 (Jackson), Chapter 558, Statutes of 2014, prohibits sterilization for the purpose of birth control of an individual who is in the custody and control of the CDCR or a county correctional facility, and prohibits sterilization of an inmate, except when required for the immediate preservation of life in an emergency medical situation or when medically necessary, as specified, and with certain requirements, including the patient's consent.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Latinas for Reproductive Justice (sponsor)  
 A New Path  
 Access Reproductive Justice  
 Alliance for Humane Biotechnology  
 American Association of University Women - California  
 Asian Americans Advancing Justice - California  
 Association of Regional Center Agencies  
 Black Women Birthing Justice  
 Breastfeedla  
 Buen Vecino  
 Business & Professional Women of Nevada County  
 California Coalition for Women Prisoners  
 California Immigrant Policy Center  
 California Pan - Ethnic Health Network  
 California Physicians Alliance  
 California Prison Focus  
 California Public Defenders Association (CPDA)  
 California Women's Law Center  
 Center for Genetics and Society  
 Center for Reproductive Rights  
 Citizens for Choice  
 Courage California  
 Crime Survivors for Safety and Justice  
 Critical Resistance  
 Dignity and Power Now  
 Disability Rights California  
 Disability Rights Education and Defense Fund  
 Dolores Huerta Foundation  
 Ella Baker Center for Human Rights  
 Empowering Pacific Islander Communities (EPIC)  
 End Solitary Santa Cruz County  
 Fair Chance Project  
 Fairview Families and Friends, INC  
 Felony Murder Elimination Project  
 Feminist Majority Foundation  
 Forward Impact Db a Represent Justice  
 Fresno Barrios Unidos  
 Guerrilla Food Not Bombs  
 If/when/how: Lawyering for Reproductive Justice

Initiate Justice  
Justice in Aging  
Kern County Participatory Defense  
Latino Coalition for A Healthy California  
Legal Services for Prisoners With Children  
Life on Earth Art  
Naral Pro-choice California  
National Association of Social Workers, California Chapter  
National Center for Youth Law  
National Health Law Program  
National Women's Health Network  
No Justice Under Capitalism  
Plan C  
Planned Parenthood Affiliates of California  
Positive Women's Network-usa  
Pro-choice Alliance for Responsible Research  
Public Health Justice Collective  
Re:store Justice  
Religious Coalition for Reproductive Choice California  
Reproductive Health Access Project  
Root & Rebound  
San Francisco Public Defender  
Time for Change Foundation  
Training in Early Abortion for Comprehensive Healthcare  
Transitions Clinic Network  
Truth and Reconciliation Committee of Neighborhood Uu Church  
Uncommon Law  
US Prostitutes Collective  
Western Center on Law & Poverty, INC.  
Women's Foundation California  
Young Women's Freedom Center

**Opposition**

None on file

**Analysis Prepared by:** Alison Merrilees / JUD. / (916) 319-2334


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**SB-106 Mental Health Services Act: innovative programs.** (2021-2022)

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AMENDED IN SENATE MARCH 23, 2021

AMENDED IN SENATE MARCH 10, 2021

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

**SENATE BILL**

**NO. 106**

**Introduced by Senator Umberg**

**January 05, 2021**

An act to amend Section 5830 of, and to add Section 5831 to, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 106, as amended, Umberg. Mental Health Services Act: innovative programs.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs and requires counties to spend those funds as specified. As part of the MHSA, existing law requires counties to engage in specified planning activities, including creating and updating a 3-year program and expenditure plan through a stakeholder process. Existing law authorizes counties to spend 5% of MHSA money on innovative programs, upon approval of the Mental Health Services Oversight and Accountability Commission.

Existing law authorizes the MHSA to be amended by a  $\frac{2}{3}$  vote of the Legislature if the amendments are consistent with, and further the purposes of, the MHSA.

This bill would amend the MHSA by authorizing counties to expend funds for their innovative programs without approval by the commission if the program is establishing or expanding a program implementing the full-service partnership model, as defined.

This bill would state the finding and declaration of the Legislature that this change is consistent with, and furthers the intent of, the MHSA.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 5830 of the Welfare and Institutions Code is amended to read:

**5830.** County mental health programs shall develop plans for innovative programs to be funded pursuant to paragraph (6) of subdivision (a) of Section 5892.

(a) The innovative programs shall have the following purposes:

- (1) To increase access to underserved groups.
- (2) To increase the quality of services, including better outcomes.
- (3) To promote interagency collaboration.
- (4) To increase access to services, including, but not limited to, services provided through permanent supportive housing.

(b) All projects included in the innovative program portion of the county plan shall meet the following requirements:

(1) Address one of the following purposes as its primary purpose:

(A) Increase access to underserved groups, which may include providing access through the provision of permanent supportive housing.

(B) Increase the quality of services, including measurable outcomes.

(C) Promote interagency and community collaboration.

(D) Increase access to services, which may include providing access through the provision of permanent supportive housing.

(2) Support innovative approaches by doing one of the following:

(A) Introducing new mental health practices or approaches, including, but not limited to, prevention and early intervention.

(B) Making a change to an existing mental health practice or approach, including, but not limited to, adaptation for a new setting or community.

(C) Introducing a new application to the mental health system of a promising community-driven practice or an approach that has been successful in nonmental health contexts or settings.

(D) Participating in a housing program designed to stabilize a person's living situation while also providing supportive services on site.

(c) An innovative project may affect virtually any aspect of mental health practices or assess a new or changed application of a promising approach to solving persistent, seemingly intractable mental health challenges, including, but not limited to, any of the following:

(1) Administrative, governance, and organizational practices, processes, or procedures.

(2) Advocacy.

(3) Education and training for service providers, including nontraditional mental health practitioners.

(4) Outreach, capacity building, and community development.

(5) System development.

(6) Public education efforts.

(7) Research. If research is chosen for an innovative project, the county mental health program shall consider, but is not required to implement, research of the brain and its physical and biochemical processes that may have broad applications, but that have specific potential for understanding, treating, and managing mental illness, including, but not limited to, research through the Cal-BRAIN program pursuant to Section 92986 of the Education Code or other collaborative, public-private initiatives designed to map the dynamics of neuron activity.

(8) Services and interventions, including prevention, early intervention, and treatment.

(9) Permanent supportive housing development.

(d) If an innovative project has proven to be successful and a county chooses to continue it, the project workplan shall transition to another category of funding as appropriate.

(e) Except as provided in Section 5831, county mental health programs shall expend funds for their innovative programs upon approval by the Mental Health Services Oversight and Accountability Commission.

**SEC. 2.** Section 5831 is added to the Welfare and Institutions Code, to read:

**5831.** (a) County mental health programs shall not require approval from the Mental Health Services Oversight and Accountability Commission to expend funds for their innovative programs as required in subdivision (e) of Section 5830 if those funds are spent to establish or expand a program implementing a full-service partnership model. *Programs funded pursuant to this subdivision shall comply with all requirements for innovative programs and are not exempt from any other requirement of the Mental Health Services Act.*

(b) For purposes of this section, "full-service partnership" means the collaborative relationship between the county and the client and, when appropriate, the client's family, through which the county plans for and provides the full spectrum of community services so that the client can achieve the identified goals.

**SEC. 3.** The Legislature finds and declares that this act is consistent with, and furthers the intent of, the Mental Health Services Act within the meaning of Section 18 of that act.

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Date Published: 03/10/2021 09:00 PM

AMENDED IN SENATE MARCH 10, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL****NO. 262**

**Introduced by Senators Hertzberg and Skinner  
(Principal coauthor: Assembly Member Bonta)  
(Coauthors: Senators Bradford and Wiener)**

**January 27, 2021**

An act to amend Section 1269b of, and to add Sections 1269d and 1302.5 to, the Penal Code, relating to bail.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 262, as amended, Hertzberg. Bail.

Existing law provides for the procedure of approving and accepting bail, and issuing an order for the appearance and release of an arrested person. Existing law authorizes specified sheriff, police, and court employees to approve and accept bail in the amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail. Existing law requires the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail, as specified.

This bill would require bail to be set at \$0 for all offenses except, among others, serious or violent felonies, violations of specified protective orders, battery against a spouse, sex offenses, and driving under the influence. The bill would require the Judicial Council to prepare, adopt, and annually revise a bail schedule for the exempt offenses. The bill would state the intent of the Legislature to enact further changes to current law to ensure that a defendant is not detained pending trial simply due to an inability to pay for the amount of bail in the statewide schedule. The bill would prohibit costs relating to conditions of release on bail from being imposed on persons released on bail or on their own recognizance. The bill would require the sheriff, police, and court employees above to approve and accept bail in the amount fixed by the bail schedule.

This bill would require the court to order a return of money or property paid to a bail bond licensee by or on behalf of the arrestee to obtain bail if the action or proceeding against the arrestee who has been admitted to bail is dismissed, no charges are filed against the arrestee within 60 days of arrest, or the arrestee has made all court appearances during the pendency of the action or proceeding against the arrestee, as specified. The bill would authorize the bail bond licensee to retain surcharge not to exceed 5% of the amount paid by the arrestee

or on behalf of the arrestee. The bill would require the court to order this return of money or property only for a bail contract entered into on or after January 1, 2022.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 1269b of the Penal Code is amended to read:

**1269b.** (a) The officer in charge of a jail in which an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or is employed at a fixed police or sheriff's facility and is acting under an agreement with the agency that keeps the jail in which an arrested person is held in custody, an employee of a sheriff's department or police department of a city who is assigned by the department to collect bail, the clerk of the superior court of the county in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending shall approve and accept bail in the amount fixed pursuant to this section in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof.

(b) If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information, the bail shall be in the amount fixed by the judge at the time of the appearance, in accordance with subdivisions (c) and (d). If that appearance has not been made, the amount of bail shall be fixed pursuant to subdivisions (c) and (d).

(c) Bail shall be set at zero dollars (\$0) for all misdemeanor and felony offenses except the following:

(1) A serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5.

(2) A felony violation of Section 69.

(3) A violation of paragraph (1) of subdivision (c) of Section 166.

(4) A violation of Section 136.1 when punishment is imposed under subdivision (c) of Section 136.1.

(5) A violation of Section 262.

(6) A violation of paragraph (1) of subdivision (e) of Section 243 or Section 273.5.

(7) A violation of Section 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party.

(8) A violation of Section 422 where the offense is charged as a felony.

(9) A violation of Section 646.9.

(10) A violation of an offense listed in subdivision (c) of Section 290.

(11) A violation of Section 23152 or 23153 of the Vehicle Code.

(12) A felony violation of Section 463.

(13) A violation of Section 29800.

(d) (1) For all offenses listed in paragraphs (1) to (13), inclusive, of subdivision (c), the Judicial Council shall prepare, adopt, and annually revise a schedule of bail amounts, which shall apply statewide.

(2) It is the intent of the Legislature to enact further changes to current law to ensure that a defendant is not detained pending trial simply due to an inability to pay for the amount of bail in the statewide schedule set pursuant to paragraph (1).

(e) The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

(f) In adopting a uniform statewide schedule of bail for all offenses listed in paragraphs (1) to (13), inclusive, of subdivision (c), the Judicial Council shall consider the seriousness of the offense charged. In considering the seriousness of the offense charged the judges shall assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, including, but not limited to, additional bail for charges alleging facts that would bring a person within any of the following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.7, 12022.8, or 12022.9 of this code, or Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.

(g) The statewide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each offense. The Judicial Council shall send a copy of the statewide bail schedule to the presiding judge of each superior court, and the presiding judge shall provide a copy of the statewide bail schedule to the officer in charge of the county jail, to the officer in charge of each city jail within the county, and to each superior court judge and commissioner in the county.

(h) (1) Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

(2) All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court.

(i) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon their release from custody, Sections 1305 and 1306 apply.

**SEC. 2.** Section 1269d is added to the Penal Code, to read:

**1269d.** Costs relating to conditions of release from custody shall not be imposed on a person released on bail or own recognizance pursuant to this chapter.

**SEC. 3.** Section 1302.5 is added to the Penal Code, to read:

**1302.5.** (a) The court shall order a return of money or property paid to a bail bond licensee by or on behalf of the arrestee to obtain bail under any of the following circumstances:

(1) An action or proceeding against an arrestee who has been admitted to bail is dismissed.

(2) No charges are filed against the arrestee within 60 days of arrest.

(3) The arrestee has made all court appearances during the pendency of the action or proceeding against the arrestee.

(b) The bail bond licensee shall be entitled to retain a surcharge not to exceed 5 percent of the amount paid by the arrestee or on behalf of the arrestee.

(c) Money or property shall be returned pursuant to subdivision (a) within 30 days *of the court order issued pursuant to subdivision (a)* and shall be to the entity or person who paid the money or property to the bail bond licensee to obtain bail.

(d) A court shall order a return of money or property pursuant to this section only for a bail contract entered into on or after January 1, 2022.



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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

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**Bill No:** SB 271                      **Hearing Date:** March 16, 2021  
**Author:** Wiener  
**Version:** January 28, 2021  
**Urgency:** No                                      **Fiscal:** No  
**Consultant:** GC

**Subject:** *County sheriffs: eligibility requirements*

### HISTORY

**Source:** California Immigrant Policy Center  
NextGen California  
Secure Justice  
Wellstone Democratic Renewal Club  
California Faculty Association

**Prior Legislation:** SB 1356 (Campbell) Ch. 57, Stats. of 1988

**Support:** American Civil Liberties Union – California; Asian Americans Advancing Justice – California; Bend the Arc – Jewish Action; California Public Defenders Association; Change Begins With Me – Indivisible Group; Coalition for Humane Immigrant Rights; Coalition for Police Accountability; Congregation Beth El; Courage California; Drug Policy Alliance; East Area Progressive Democrats; East Bay for Everyone; Ella Baker Center for Human Rights; Ensuring Opportunity Campaign to End Poverty in Contra Costa County; Faith in Action East Bay; Family Violence Law Center; Friends Committee on Legislation of California; Friends of Adeline; ICE Out of Marin; Indivisible Elmwood; Indivisible Sausalito; Indivisible Yolo; Initiate Justice; Interfaith Movement for Human Integrity; LA Voice; Lift Up Contra Costa; Livermore Indivisible; Prosecutors Alliance of California; Public Health Advocates; Rossmoor Lesbians for Social Justice; San Francisco District Attorney’s Office; San Francisco Public Defender; Showing Up for Racial Justice (SURJ) Bay Area; Smart Justice California; Sonoma County Commission on Human Rights; SURJ Contra Costa County; SURJ Marin; Tri-Valley Democratic Club; Women’s March Contra Costa; Oakland Privacy (support if amended)

**Opposition:** California Narcotic Officers' Association; California Peace Officers Association; California Police Chiefs Association; California State Sheriffs' Association; California Statewide Law Enforcement Association; Los Angeles County Sheriff’s Department; Peace Officers Research Association of California (PORAC); Riverside Sheriffs’ Association

### PURPOSE

*The purpose of this bill is to repeal provisions of law put in place in 1988 that require elected sheriffs have specified peace officer certification.*

*Existing law* provides that no person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria: (Cal. Gov. Code § 24004.3, subd. (a).)

- An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training (POST).
- One year of full-time, salaried law enforcement experience at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university.
- Two years of full-time, salaried law enforcement experience at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.
- Three years of full-time, salaried law enforcement experience at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.
- Four years of full-time, salaried law enforcement experience at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.

*Existing law* provided that all persons holding the office of sheriff on January 1, 1989 were deemed to have met all qualifications required for candidates seeking election or appointment to the office of sheriff. (Cal. Gov. Code § 24004.3, subd. (b).)

*This bill* repeals the provisions of law requiring certification by POST or prior salaried experience as a law enforcement officer.

## COMMENTS

### 1. Need for This Bill

Protests against police brutality have called for elected officials to reimagine public safety by, among other things, shifting some duties away from armed officers to unarmed civilians and social workers. The criteria imposed by the state in Government Code §24004.3 has significantly narrowed the pool of candidates for office of the Sheriff and makes it harder to reimagine our criminal justice system. These eligibility requirements have led to elections without much competitiveness or differentiation between candidates. Today, Sheriffs are essentially managers of a large bureaucracy. In large counties, they manage thousands of employees, the vast majority of whom are unarmed, non-sworn civilians. The three primary duties of the Sheriff are to police unincorporated areas, operate the county jail, and attend to and execute orders of the courts. In 41 counties, the Sheriff is also the Coroner whose authority includes investigating the cause of in-custody deaths. Sheriffs can be the most powerful elected official in a county and yet only a small pool of people may seek the position.

Many current Sheriffs lack mental health or de-escalation training. As recent COVID-19 outbreaks in our jails demonstrates, the skills Sheriffs need to protect public safety include strong management, leadership, and the ability to move quickly and make difficult decisions, rather than the ability to fire a weapon.

Lawsuits throughout the state are raising awareness of the dire inadequacy of health care and mental health services provided in our county jails. Moreover, the ongoing cooperation between many Sheriffs and the U.S. Immigration and Customs Enforcement (ICE) further demonstrates that many elected Sheriffs do not share the values of their constituents. We have also seen Sheriffs refusing to enforce health orders while California's death and hospitalization numbers rose.

SB 271 simply reverts California law to what it was from the State's founding until 1989 and thus allows voters to choose from a broader pool of candidates with more diverse backgrounds and skill sets and greater accountability. This bill will not prevent candidates with law enforcement experience from seeking or occupying the office. Instead, SB 271 will allow for a broader pool of candidates with more diverse skill sets, lead to greater gender and ethnic diversity in candidates, and provide for better management of Sheriff departments.

## **2. Background on Qualifications for County Sheriffs in California**

Historically in California Sheriffs any person could seek the office of County Sheriff regardless of their employment background or certification of peace officer status. In 1978, San Francisco Mayor George Moscone appointed Eugene Brown Sheriff of San Francisco County. The following year, Sheriff Brown stood for election. Michael Hennessey, who previously served as legal counsel to a prior sheriff ran as an opposition candidate. Michael Hennessey was elected San Francisco County Sheriff and took office in January of 1980. Following his successful campaign for sheriff there were calls to create qualifications to seek the office of Sheriff in California. SB 1356 (Campbell) was passed in 1988 and created the provisions of law that are being deleted by this bill. These provisions specified that any person seeking the office of county sheriff in California must be certified as a peace officer by POST.

Sheriff Mike Hennessey went on to serve San Francisco for 8 terms in office. He was San Francisco County Sheriff from 1980-2012. He chose to not run for a 9<sup>th</sup> term in office. He was the longest serving Sheriff in the history of San Francisco. He became known as a pioneer in prisoner education programs in California. He was also known for rehabilitation programs, hiring of minorities, and improving professionalism in the San Francisco Sheriff's Department.

Opponents to this legislation argue that this bill seeks to further politicize the office of county sheriff. The political climate is currently electrified in general, and by expanding the pool of candidates this bill would permit an entirely new pool of candidates who could seek the position of county sheriff. Additionally, opponents argue that there is a sound policy reason to require that the head of a law enforcement department undergo the same training and certification of the peace officer that they are tasked with managing.

The bill's supporters characterize this bill as part of a greater movement to re-imagine public safety in California. They point to a lack of diversity in the office holders of county sheriff (49 white men, 3 latino men, 2 Japanese men, and 4 white women). Additionally, they argue that sheriffs manage large organizations of people that are primarily not peace officers. For instance there are 41 county sheriffs that are also the coroners of their county. They argue that this bill will give greater freedom to Californians to choose who they want to manage their sheriff departments on the county level.

### 3. Argument in Support

In 1988, state law was amended to require people seeking election for the office of Sheriff to be POST certified. This change was in response to prisoners' rights attorney Michael Hennessey's successful campaign for Sheriff of San Francisco. This eligibility requirement has restricted who can be sheriff to a very narrow pool and has led to many uncontested elections against incumbents or a lack of personal and professional experience among candidates, as well as a lack of diversity.

There is a legitimate interest in opening the pool of applicants for election as sheriff because of the critical role sheriffs play in the lives of millions of Californians, and to reflect the call from people across the state asking for a reimagining of public safety. Sheriffs are essentially managers of a large bureaucracy, not peace officers. In large counties, they manage thousands of employees, the vast majority of whom are unarmed, non-sworn civilians. The three primary duties of the sheriff are to police unincorporated areas, operate the county jail, and attend to and execute orders of the courts. In 41 counties, the sheriff is also the coroner whose authority includes investigating the cause of in-custody deaths.

Artificially limiting the office of Sheriff to certified peace officers also constrains public debate on the role of sheriffs, as well as freedom of choice for California voters, and tends to perpetuate tough-on-crime policies that are not reflective of public opinion, instead of investment in communities and the end of mass incarceration. These policies have been further exacerbated during the COVID pandemic placing and keeping millions in danger rather than seeking safer alternatives outside of confinement.

SB 271 will not prevent candidates with law enforcement experience from seeking or occupying the office. Instead, this bill will allow for a broader pool of candidates with more diverse skill sets, lead to greater gender and ethnic diversity in candidates, and provide for better management of sheriffs' departments.

### 4. Argument in Opposition

According to the California Statewide Law Enforcement Association:

While we certainly understand and appreciate the author's intent to ensure more community engagement in the law enforcement profession, we fundamentally disagree with the premise of this bill. County Sheriffs are elected by the county residents for which they serve and should the community disapprove of the job the Sheriff is doing can choose not to reelect them the next election cycle. Given the environment we find ourselves in, we do not believe it is prudent, nor is it in the interest of public safety, to overly or overtly politicize this office. To that end, law enforcement officers employed by a County Sheriffs' Department should be managed by someone who has gone through the Peace Officer Standards and Training, from basic academy up to advanced certifications that is developed by policies enacted by the Legislature and the Commission on POST, appointed by the Governor.

Should the author wish to pursue alternatives, we believe a more holistic approach to ensure community engagement within the police profession include providing resources to POST and departments to recruit and train officers from the communities in which peace officers serve. Law enforcement is committed to this effort by working collaboratively with community organizations to ensure communities are represented within the workforce.

**-- END --**

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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

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**Bill No:** SB 731                      **Hearing Date:** April 13, 2021  
**Author:** Durazo  
**Version:** April 5, 2021  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Criminal records: relief*

### HISTORY

**Source:** Californians for Safety and Justice

**Prior Legislation:** SB 118 (Budget) Chapter 29, Stats. 2020  
AB 1076 Ting Chapter 578, Stats. 2019  
AB 2438 (Ting), 2018, held in Assembly Appropriations  
AB 2599 (Holden), Ch. 653, Stats. 2018  
AB 1793 (Bonta), Ch. 993, Stats. 2018  
AB 1008 (McCarty), Ch. 789, Stats. 2017  
SB 393 (Lara), Ch. 680, Stats. 2017  
SB 513 (Hancock), Ch. 798, Stats. 2013  
SB 599 (Perata), Ch. 792, Stats. 2003

**Support:** A New Way of Life Re-entry Project; Alliance of Californians for Community Empowerment (ACCE) Action; American Civil Liberties Union/northern California/Southern California/san Diego and Imperial Counties; Arts for Healing and Justice Network; Asian Americans Advancing Justice – California; Asian Solidarity Collective; Bend the Arc: Jewish Action; California Attorneys for Criminal Justice; California Coalition for Women Prisoners; California Immigrant Policy Center; California Labor Federation, Afl-cio; California Public Defenders Association (CPDA); California Religious Action Center of Reform Judaism; Californians United for a Responsible Budget; Cat Clark Consulting Services LLC; Code for America; Communities United for Restorative Youth Justice (CURYJ); Community Works; Courage California; Dream Corps; Drug Policy Alliance; Ella Baker Center for Human Right; Family Reunification, Equity and Empowerment Project; Family Reunification, Equity & Empowerment; Forward Impact Db a Represent Justice; Fresno Barrios Unidos; Friends Committee on Legislation of California; Homeboy Industries; Initiate Justice; Inland Empire Fair Chance Coalition; Inland Equity Partnership; Last Prisoner Project; Law Enforcement Action Partnership; Legal Aid At Work; Legal Services for Prisoners With Children; Los Angeles Regional Reentry Partnership; National Association of Social Workers, California Chapter; Phenomenal Angels of The Community; Pillars of The Community; Re:store Justice; Rubicon Programs; San Francisco Public Defender; Shields for Families; Showing Up for Racial Justice (SURJ) Bay Area; Showing Up for Racial Justice (SURJ) San Diego; Showing Up for Racial Justice North County; Social & Environmental Justice Committee of The Universalist Unitarian Church of

Riverside; Starting Over INC.; Team Justice; Think Dignity; The Reverence Project; Tides Advocacy; Time for Change Foundation; Transition Clinic Network; Uncommon Law; Underground Scholars Initiative Berkeley; We the People - San Diego

Opposition: California Association of Licensed Investigators; Peace Officers Research Association of California (PORAC)

## PURPOSE

***The purpose of this bill is to permit additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.***

*Existing law* provides that on a monthly basis the Department of Justice (DOJ) shall review the records in the statewide criminal databases and shall identify persons with records of arrest that are eligible for arrest record relief, with no requirement that the person file a motion seeking relief. A person is eligible for relief if the arrest occurred on or after January 1, 2021 and meets any of the following conditions:

- The arrest was for a misdemeanor and the charge dismissed.
- The arrest was for a misdemeanor and no criminal proceedings have been initiated one year from the date of the arrest.
- If the arrest was for a jail felony, punishable by 8 or more years and no proceedings have been initiated 3 years after the date of the arrest, and no conviction occurred, or the arrestee was acquitted of the charges.
- If the person successfully completed a specified diversion program.

The relief granted is subject to the following conditions:

- It does not relieve a person of an obligation to disclose an arrest in an application for employment as a peace officer.
- It does not limit the ability of a criminal justice agency to access the arrest information.
- It does not limit the ability of a district attorney to prosecute for the offense if it is within the statute of limitations.
- It does not impact a person's authorization to own or possess a firearm
- It does not impact any prohibition on holding public office.
- It does not impact licensing for foster homes and similar facilities.
- It does not limit other motions for relief. (Penal Code Section 851.93)

*This bill* also makes an arrest for a felony and there is no indication that the criminal proceeding has been initiated at least 3 years after the arrest eligible for relief and also amends existing law to provide that if the arrest was for a jail or prison felony with a sentence of 8 or more years shall be eligible for relief when no criminal proceedings have happened 6 years after the arrest.

*Existing law* provides that if a person is sentenced to a jail felony, the court, in its discretion, in the interest of judgement may allow a person to withdraw their guilty plea and enter a plea of not guilty and the court shall set aside the verdict and dismiss the accusations or information against the defendant when specified conditions are met. The relief shall be not be granted unless the

prosecuting attorney has been given 15 days' notice of the petition for relief. (Penal Code Section 1203.41)

*This bill* makes Penal Code Section 1203.41 apply to all felonies not just jail felonies and provides that if the defendant was on mandatory supervision, the parole officer shall notify the prosecuting attorney when a petition is filed.

Existing law provides that commencing July 1, 2022, and subject to a Budget appropriation, on a monthly basis, the DOJ shall review records in the statewide criminal justice databases and shall identify person with convictions that meet specified criteria and are eligible for automatic conviction relief. A person is eligible for relief if they meet all of the following conditions:

- The person is not required to register as a Sex Offender.
- The person does not have an active record for local, state, or federal supervision in the Supervised Release file.
- Based on the information available, it does not appear the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.
- There is no indication that the conviction resulted in a sentence of incarceration in state prison.
- The conviction occurred on or after January 1, 2021 and the defendant either was sentenced to probation and appears to have completed their term of probation without revocation or, the defendant was convicted of an infraction or misdemeanor, was not granted probation, and at least one calendar year has passed since the date of judgement. (Penal Code Section 1203.425(a)(1))

*This bill* deletes the prohibition on granting relief if the person was incarcerated in the state prison.

*This bill* adds an additional criteria for relief providing for relief if the conviction occurred on or after January 1, 1973, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based on the disposition date and the sentence specified in DOJ's records, appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole.

*Existing law* provides that automatic conviction record relief is subject to the following conditions:

- It does not relieve a person of the obligation to disclose a conviction when applying to be a peace officer.
- It does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire for public office or for contracting with the California State Lottery Commission
- It does not affect a person's authorization to own, possess, etc. a firearm.
- It does not affect a prohibition from holding public office that would otherwise apply as a result of the conviction.
- It does not affect the authority to receive, or take action based on, criminal history information including the authority to receive certified court records.
- It does not make eligible a person otherwise ineligible to provide in-home supportive services.



- It may still act as a prior for future arrests and convictions. (Penal Code Section 1203.425(a)(3))

*This bill* in addition provides that relief granted does not release the defendant from the terms and conditions of any unexpired criminal protective orders.

*Existing law* provides that the DOJ shall maintain the state summary criminal history information which is the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person. (Penal Code Section 11105(a))

*Existing law* specifies how, what and to whom criminal history information shall be distributed by the DOJ to an entity to check the background of a potential or current employee or volunteer. What criminal history is released differs based on the employer or volunteer organization and is specified in law. (Penal Code Section 1105(b)-(u))

*This bill* states that commencing July 1, 2022, notwithstanding any other law, state or federal summary criminal history furnished by DOJ shall not include any of the following information;

- Records of arrest that were granted relief under Section 851.93, if 2 years has passed since that relief was granted and there was no new conviction for a felony offense.
- Records granted relieve under numerous sections to expunge, change a plea, seal a record etc. and if 2 years have passed and there is no new conviction for a felony offense.

*This bill* provides that the above does not apply to any of the following:

- Any record for which the subject is required to register as a Sec Offender, has an active record for state, local, or federal supervision in the Supervised Release File, or it appears as if the person Is currently serving a sentence for an offense or there is an indication of a pending criminal charge.
- Records that are given to the courts, district attorneys, peace officers, probation or parole officers , public defenders for peace officer certification or employment at a criminal justice agency.
- If the dissemination is required by federal law.
- The furnishing of records relating to the regulation of firearms.
- The furnishing of records to the subject of the records.
- Records of specified assault offenses when they are being distributed to an agency licensing a community care facility or foster home or similar.

## COMMENTS

### 1. Need for This Bill

According to the author:

Nationally, an estimated 70 million people (nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record.<sup>1</sup> The vast majority of people with convictions have long finished their sentence in prison, jail, parole or probation and exited the ‘deepest end’ of the justice system.

Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to the widespread usage of background checks in today's society, the availability of these records activate thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread lack of civic participation. These collateral consequences disproportionately affect Black and Latino communities and have become one of the leading drivers of multi-generational poverty.

## **2. Automatic Arrest Record Relief**

AB 1076 Ting Chapter 578, Statutes 2019, created a process for the automatic arrest record relief for people arrested for a misdemeanor or for a jail felony when the charges were dismissed or enough time has passed that it is clear there is not intent for criminal proceedings to go forward. Dependent on an appropriation in the budget, the relief will be automatic based on a monthly review by the Department of Justice (DOJ) starting January 1, 2021. Even if relief granted relief, a person will still be required to disclose the arrest or the arrest information can still be used for specified circumstances such as applying to become a peace officer or having a foster car license evaluated.

This bill would expand those eligible for relief to those arrested for any felony not just those for which the sentence is county jail. If the felony sentence can be more than eight years relief shall not be granted until six years have passed, otherwise relief may be granted after three years have passed.

## **3. Automatic conviction relief**

SB 1076 (Ting) also created a process for automatic conviction relief. Specifically, the law requires DOJ, starting on January 1, 2021, to review its records and identify persons with convictions eligible for conviction record relief. If granted this relief, the state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted" listing the date that the department granted the relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

A person is eligible is not eligible for relief if the person was sentenced to state prison. A conviction is eligible if the defendant was sentenced to probation and based on information the DOJ has probation was completed without a revocation or the defendant was convicted of an infraction or misdemeanor and not granted probation but based on the information the DOJ has the defendant appears to have completed their judgement a year has elapsed.

This bill deletes the prohibition on relief for a person sentenced to prison and specifically allows relief for a person convicted of a felony after January 1, 1973 and based on the information the DOJ has completed all terms of incarceration, probation, mandatory supervision postrelease supervision and parole.

The relief granted does not remove a number of obligations and prohibitions, including: disclosing the conviction when applying to be a peace officer; disclosing the conviction when contracting with the State Lotter or applying for public office; a criminal justice agency can still use the records; it does not impact motions or appeals related to the conviction; does not change

prohibitions related to firearms; does not change actions relating to a foster care agency or home supportive services; and, it can still act as a prior.

This bill further adds that the bill does not impact a protective order.

Should a person convicted of a felony, for which they were not granted probation, be eligible for automatic relief by the DOJ?

#### **4. Court conviction relief**

Existing law also creates a process for conviction record relief. A court may, in the interests of justice, order relief for a person convicted of a jail felony. This bill expands that provision to include any felony. If relief is granted the court may permit a person to withdraw his or her plea of guilty and the defendant shall be released from any penalties and disabilities related to the offense. The relief can only come after one or two years after the completion of the sentence, depending on the underlying sentences and a person cannot be on parole or under supervision. Notice must be served on the prosecutor 15 days prior to the petition and this bill provides that if the person was on mandatory supervision, the probation officer shall notify the prosecuting attorney and if the person was on parole the parole officer shall notify the prosecuting attorney.

Why have probation and parole notice the prosecutor and not the person requesting the relief?

The relief granted is subject to some limitations: it can still be used as a prior for a future conviction; they must still disclose the conviction in response to a direct question for public office, for licensure by any state or local agency, or for contracting with the State Lottery; it does not change any prohibition on gun ownership; and, it does not change any limitation on holding public office.

Are there any other purposes for which a former conviction should be disclosed?

#### **5. Background checks**

Under existing law, DOJ is the keeper of criminal history and the law sets forth to whom criminal history and for what purposes criminal history, based on a fingerprint check along with other identifying information, can be released. Fingerprint based DOJ background checks are authorized to be used for numerous employment, licensing and volunteer purposes. What part of a criminal history is released is outlined in the law and varies depending on the type of employment etc.

This bill provides that notwithstanding any other law, the criminal history furnished by DOJ shall not include records where relief was granted if at least two years has passed and there has been no new offense. Exceptions to this prohibition include: records for which a person has to register as a sex offender; records to a criminal justice agency for peace officer employment or employment at a criminal justice agency; firearm background checks; if dissemination is required by federal law; information for licensing of a foster home etc.

It is not clear if this section would allow a defense attorney to get the information on their client, should access by those in the criminal just system be clarified that it is allowed for more than just employment? Are there more circumstances in which records granted relief should be released? The state has a number of licensing boards. There is also the Medical Board and the State Bar.

Could some of these records be specifically related to a license a person is seeking and may be relevant? Does the federal exception cover background checks required by Federally Insured Banks?

## 6. Argument in Support

Californians for Safety and Justice the sponsor of this bill states:

Nationally, an estimated 70 million people—nearly one in three adults, and 8 million people in California alone— have a past arrest or conviction on their record. California maintains an individual's criminal records until that person reaches 100 years of age. As a result of the widespread usage of background checks in today's society, the permanence of these records present thousands of barriers resulting in widespread constraints on civic participation.

Examples of these barriers are felt by families seeking to live outside of impoverished areas, individuals that want careers in education or healthcare, others who want to coach, homeowners that want to join their HOA board, couples that want to adopt, or grandchildren that want to care for their elderly grandparent. Old criminal records go beyond economics and into denial of human decency, family responsibility, and basic citizenship.

Lack of access to employment and housing are primary factors driving recidivism, criminal records are serious barriers to successful reentry and come at a cost of \$20 billion annually to California's economy. Nationally, it has been estimated that the U.S. loses roughly \$372.3 billion per year in terms of gross domestic product due to employment losses among people living with convictions.

SB 731 proposes a structured, automated approach to sunseting criminal records. Automated sealing of all arrest records that do not result in conviction, and phased relief for convictions records, expand record sealing to all sentences following completion of terms of incarceration, post-release supervision, and an additional period of time - provided the person has completed their sentence without any new felony convictions and has no new charges pending. For the reasons listed above, Californians for Safety and Justice is proud to co-sponsor SB 731.

## 7. Argument in Opposition

Peace Officers Research Association of California Opposes this bill stating:

Current law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence. Current law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified. This bill would make this relief available to a defendant who has been convicted of any felony.

PORAC believes that by expanding the relief of penalties for all felonies, we are placing our communities at risk. Oftentimes, felony crimes are violent and leave behind innocent victims whose lives will never be the same. By allowing violent criminals back on the street, with their record dismissed, they will have less deterrent to commit another crime. Thus, leaving more victims in their wake. If the author is willing to amend the bill to exclude violent criminals, we would be inclined to remove our opposition.

**-- END --**