Assembly Bill No. 145

CHAPTER 80

An act to amend Section 12838.4 of the Government Code, to amend Sections 851.93, 1203.425, 1233.3, 1233.4, 1233.6, 1233.61, 3042, 5007.3, 5075, 5075.6, 5076.1, 5076.2, 5076.3, 6031, 6258.1, 9001, 13602, 13603, and 13823.95, of, to amend and repeal Section 4530.5 of, to add Sections 1170.01, 2042.1, and 3041.6 to, to add and repeal Section 1233.11 of, and to repeal Article 4 (commencing with Section 2035) of Chapter 1 of Title 1 of Part 3 of, the Penal Code, and to amend Sections 209 and 730 of, and to add Section 1760.45 to, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 145, Committee on Budget. Public safety.

(1) Existing law, commencing July 1, 2022, subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified. Under existing law, an arrest or conviction record is eligible for this relief if, among other criteria, the arrest or conviction occurred on or after January 1, 2021.

This bill would instead allow an arrest or conviction that occurred on or after January 1, 1973, to be considered for relief.

(2) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into the State Community Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities.

Existing law requires the Director of Finance, in consultation with certain entities, to annually calculate a statewide performance incentive payment and a county performance incentive payment, based upon specified performance metrics, for each eligible county, and to distribute those payments in the following fiscal year, as specified.

This bill would appropriate $122,829,397 from the General Fund to the State Community Corrections Performance Incentives Fund to, in lieu of

the above provisions, be allocated to counties, as specified, for the 2021–22 fiscal year.

(3) Existing law authorizes a court upon the recommendation of the district attorney of the county in which the defendant was sentenced, to recall the sentence of a defendant who has been committed to state prison or county jail and resentence that defendant to a lesser sentence, as specified. Existing law authorizes a district attorney to use their discretion in conducting prosecutions.

This bill would establish the County Resentencing Pilot Program to support and evaluate a collaborative approach to a district attorney's exercise of their discretion to petition to recall an individual's case for resentencing. The bill would designate a county's district attorney's office and public defender's office as pilot participants. The bill would authorize a participating district attorney's office to contract with a qualified community-based organization, as specified. The bill would require that each participating district attorney's office create and implement a written policy that states the factors, criteria, and processes to be used in evaluating an individual's case for a petition to recall the sentence. The bill would require that funding be used to for the purposes of resentencing individuals consistent with the requirements of the pilot program, including ensuring adequate staffing of deputy district attorneys, paralegals, deputy public defenders, and support staff. The bill would require participating district attorney's offices to keep data, as specified, and collect it using a template provided by an evaluator. The bill would require the evaluator to conduct its analysis in a manner that allows for comparison between participating counties and assess, among other things, challenges in implementation, a cost study, and recidivism outcomes. The bill would require state agencies to cooperate with, and provide information to, the evaluator upon request. The bill would require the evaluator to provide 2 preliminary reports to the Legislature and a final report, at the end of the program.

(4) Existing law grants the Department of Corrections and Rehabilitation (CDCR) authority to operate the state prison system and gives the department jurisdiction over various state prisons and other institutions, including Deuel Vocational Institution. Existing law requires the department to identify 2 state-owned and -operated prisons for closure, as specified.

This bill would make the provisions authorizing the establishment and operation of Deuel Vocational Institution inoperative on October 1, 2021, and would repeal those provisions on July 1, 2022.

(5) Existing law establishes the Board of Parole Hearings that is composed of 17 commissioners appointed by the Governor, and subject to Senate confirmation, for staggered 3-year terms. Under existing law, the board conducts parole consideration hearings, parole rescission hearings, and parole progress hearings for adults, among other responsibilities. Existing law requires the board, when it performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, to have at least 7 members present.

This bill would increase the number of commissioners on the board to 21. The bill would also require the board to have at least a majority of commissioners holding office present on the date a matter of general policy is heard.

Existing law permits an inmate to be present and to ask and answer questions on their own behalf at all hearings for the purpose of reviewing an inmate's parole suitability, or the setting, postponing, or rescinding of parole.

This bill would authorize the board to conduct proceedings by videoconference and would require that all references to a participant's statutory right to meet, be present, appear, or to represent the interests of the people or another participant at a proceeding to be satisfied by the participant's appearance by videoconference at the proceeding.

Existing law authorizes the board to meet and transact business in panels. Existing law requires, in the event of a tie vote, that a matter be referred to a randomly selected committee comprised of a majority of the commissioners specifically appointed to hear adult parole matters and who are holding office at the time.

This bill would instead require that matter be referred for an en banc review by the board, with the commissioners involved in the tie vote recused from the review. The bill would require the commissioners conducting the review to consider the full record that was before the panel that resulted in the tie vote, and would limit the review to that record.

Existing law requires the board to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. Existing law authorizes the judge of the superior court before whom the inmate was tried and convicted to forward to the board any unprivileged information from the trial or sentencing proceeding regarding the inmate, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the board should grant parole, as specified. Existing law requires the board to review and consider all information received from any person and to consider adjusting the conditions of parole to reflect comments or concerns.

This bill would eliminate the requirement that written notice of the parole suitability hearing be provided to the judge of the superior court before whom the inmate was tried and convicted, and would eliminate the authorization of that judge to send unprivileged information from the trial or sentencing proceeding to the board. The bill would require the board only to consider all relevant and reliable information received from any person, and to consider imposing special conditions of parole to reflect those comments or concerns.

(6) Existing law establishes the California Reentry and Enrichment (CARE) Grant program to provide grants to community-based organizations

(CBOs) that provide rehabilitative services to incarcerated individuals. Existing law requires the CDCR to establish a steering committee to establish grant criteria, select grant recipients, and determine grant amounts and number of grants. Existing law requires that members of the steering committee serve without compensation, except for reimbursement for expenses.

This bill would require the CDCR, prior to the release of the grant application, to survey all adult prisons to determine which are able to support new programs by the grantees and to include a list of those prisons in the request for grant applications. The bill would also provide a $100 per day compensation, up to a maximum of $5,000 per member per year, for steering committee members who are not government employees who are continuing to receive their regular salary while participating in the committee as part of their job.

(7) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met, including that the inmate is not currently serving a sentence for a conviction of a violent felony, as defined, the inmate has less than one year left to serve in a correctional facility, and the inmate has not been convicted previously of an escape.

This bill would, instead, prohibit the transfer of an inmate to a community correctional reentry facility unless, among other conditions, the inmate does not have a current or prior conviction for an offense that requires registration as a sex offender, the inmate has less than 2 years left to serve in a correctional institution, and the inmate does not have a history, within the prior 10 years, of an escape.

(8) Existing law establishes the California Sex Offender Management Board under the jurisdiction of the CDCR to address issues, concerns, and problems related to the community management of sex offenders. The board consists of 17 members, as specified.

This bill would add the Executive Director of the Office of Youth and Community Restoration within the California Health and Human Services Agency, or a designee who has expertise in the treatment or supervision of juvenile sex offenders, and a licensed mental health professional with experience treating juvenile sex offenders and who can represent those who provide evaluation and treatment for juvenile sex offenders, who would be appointed by the Speaker of the Assembly, to the board, bringing the total membership to 19.

(9) Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system, as specified. Existing law requires the board to inspect each local detention facility in the state at least biennially, including juvenile halls and similar facilities used for the confinement of any minor, as specified.

This bill would authorize any officer, employee, or agent of the board, as specified, to enter and inspect any area of a local detention facility, without notice, to conduct those inspections.

(10) Existing law authorizes the CDCR to use the training academy at Galt, the training center in Stockton, or a training academy established for the California City Correctional Center. Under existing law, a cadet who attends an academy is required to complete the specified course of training before they may be assigned as a peace officer. Existing law requires the department to provide 520 hours of training to each correctional peace officer cadet.

This bill would require the department to adhere to the training standards developed by the Commission on Correctional Peace Officer Standards and Training (CPOST) at all locations where training is provided. The bill would reduce the minimum number of hours of training the department is required to provide each correctional peace officer cadet who commences training on or after July 1, 2021, from 520 hours to 480 hours. The bill would require, commencing July 1, 2021, a new correctional officer to complete new employee orientation and on-the-job observational training totaling a minimum of 160 hours upon graduation from the academy.

(11) Existing law requires the Office of Emergency Services (OES) to establish a protocol for the examination and treatment of victims of sexual abuse and attempted sexual abuse, including child sexual abuse, and the collection and preservation of evidence therefrom. Existing law prohibits the costs incurred by a qualified health care professional, hospital, clinic, sexual assault forensic examination team, or other emergency medical facility for the medical evidentiary examination from being charged to a victim of the assault. Under existing law, the local law enforcement agency in whose jurisdiction the alleged offense was committed is required to reimburse the cost of a medical evidentiary examination within 60 days. Existing law authorizes the local law enforcement agency to seek reimbursement from OES, to be funded with specified federal funds, and to offset the cost of conducting the medical evidentiary examination of a sexual assault victim who is undecided at the time of an examination whether to report to law enforcement.

This bill would authorize the appropriate local law enforcement agency to seek reimbursement from OES, using the specified federal funds, for the cost of conducting the medical evidentiary examination of a sexual assault victim who has decided not to report the assault to law enforcement at the time of the examination. The bill would also authorize local law enforcement to seek, and would require OES to pay at an established rate, reimbursement for the cost of conducting the medical evidentiary examination of a sexual assault victim who has determined, at the time of the examination, to report the assault to law enforcement.

(12) Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge

the minor to be a ward of the court. Existing law authorizes the court to commit a minor to a juvenile home, ranch, camp, or forestry camp. Existing law establishes the Division of Juvenile Justice within the CDCR to operate facilities to house specified juvenile offenders.

This bill would authorize a juvenile court to order placement of a ward at the Pine Grove Youth Conservation Camp if specified criteria are met, including if the county has entered into a contract with the Division of Juvenile Justice and the division has found the ward amenable. The bill would authorize the division to enter into contracts with counties to operate the Pine Grove Youth Conservation Camp through a state-local partnership, or other management arrangement, to train justice-involved youth in wildland firefighting, as specified.

(13) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 12838.4 of the Government Code is amended to read:

12838.4. The Board of Parole Hearings is hereby created. The Board of Parole Hearings shall be comprised of 21 commissioners, who shall be appointed by the Governor, subject to Senate confirmation, for three-year terms. The Board of Parole Hearings hereby succeeds to, and is vested with, all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the following entities, which shall no longer exist: Board of Prison Terms, Narcotic Addict Evaluation Authority, and Youthful Offender Parole Board. For purposes of this article, the above entities shall be known as "predecessor entities."

SEC. 2. Section 851.93 of the Penal Code is amended to read:

851.93. (a) (1) On a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, shall identify persons with records of arrest that meet the criteria set forth in paragraph (2) and are eligible for arrest record relief.

(2) A person is eligible for relief pursuant to this section, if the arrest occurred on or after January 1, 1973, and meets any of the following conditions:

(A) The arrest was for a misdemeanor offense and the charge was dismissed.

(B) The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.

(C) The arrest was for an offense that is punishable by imprisonment pursuant to paragraph (1) or (2) of subdivision (h) of Section 1170, there is

no indication that criminal proceedings have been initiated, at least three calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.

(D) The person successfully completed any of the following, relating to that arrest:

(i) A prefiling diversion program, as defined in Section 851.87, administered by a prosecuting attorney in lieu of filing an accusatory pleading.

(ii) A drug diversion program administered by a superior court pursuant to Section 1000.5, or a deferred entry of judgment program pursuant to Section 1000 or 1000.8.

(iii) A pretrial diversion program, pursuant to Section 1000.4.

(iv) A diversion program, pursuant to Section 1001.9.

(v) A diversion program described in Chapter 2.8 (commencing with Section 1001.20), Chapter 2.8A (commencing with Section 1001.35), Chapter 2.81 (commencing with Section 1001.40), Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A (commencing with Section 1001.60), Chapter 2.9B (commencing with Section 1001.70), Chapter 2.9C (commencing with Section 1001.80), Chapter 2.9D (commencing with Section 1001.81), or Chapter 2.92 (commencing with Section 1001.85), of Title 6.

(b) (1) The department shall grant relief to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the department granted relief, and this section. This note shall be included in all statewide criminal databases with a record of the arrest.

(3) Except as otherwise provided in subdivision (d), an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly.

(c) On a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in subdivision (d), the court shall not disclose information concerning an arrest that is granted relief pursuant to this section to any person or entity, in any format, except to the person whose arrest was granted relief or a criminal justice agency, as defined in Section 851.92.

(d) Relief granted pursuant to this section is subject to the following conditions:

(1) Arrest relief does not relieve a person of the obligation to disclose an arrest in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(2) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(3) This section does not limit the ability of a district attorney to prosecute, within the applicable statute of limitations, an offense for which arrest relief has been granted pursuant to this section.

(4) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

(5) Relief granted pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(6) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(e) This section does not limit petitions, motions, or orders for arrest record relief, as required or authorized by any other law, including, but not limited to, Sections 851.87, 851.90, 851.91, 1000.4, and 1001.9.

(f) The department shall annually publish statistics for each county regarding the total number of arrests granted relief pursuant to this section and the percentage of arrests for which the state summary criminal history information does not include a disposition, on the OpenJustice Web portal, as defined in Section 13010.

(g) This section shall be operative commencing July 1, 2022, subject to an appropriation in the annual Budget Act.

SEC. 3. Section 1170.01 is added to the Penal Code, to read:

1170.01. (a) The County Resentencing Pilot Program (pilot) is hereby established to support and evaluate a collaborative approach to exercising prosecutorial resentencing discretion pursuant to paragraph (1) of subdivision (d) of Section 1170. Participants in the pilot shall include a county district attorney's office, a county public defender's office, and may include a community-based organization in each county pilot site.

(b) Each participating district attorney's office shall do all of the following:

(1) Develop and implement a written policy which, at minimum, outlines the factors, criteria, and processes that shall be used to identify, investigate,

and recommend individuals for recall and resentencing. The district attorney's office may take into account any input provided by the participating public defender's office or a qualified contracted community-based organization in developing this policy.

(2) Identify, investigate, and recommend the recall and resentencing of incarcerated persons consistent with its written policy.

(3) Direct all funding provided for the pilot be used for the purposes of resentencing individuals pursuant to the pilot, including, but not limited to, ensuring adequate staffing of deputy district attorneys, paralegals, and data analysts who will coordinate obtaining records and case files, support data entry, assist in the preparation and filing of pleadings, coordinate with victim services, and any other tasks required to complete the processing and facilitation of resentencing recommendations and to comply with the requirements of the pilot.

(c) A participating district attorney's office may contract with a qualifying community-based organization for the duration of the pilot. The community-based organization shall have experience working with currently or formerly incarcerated individuals and their support networks, and shall have expertise in at least two of the following areas:

(1) Supporting and developing prerelease and reentry plans.

(2) Family reunification services.

(3) Referrals to postrelease wraparound programs, including, but not limited to, employment, education, housing, substance use disorder, and mental health service programs.

(4) Restorative justice programs.

(d) Nothing in this section shall be construed to limit the discretion or authority granted to prosecutors under paragraph (1) of subdivision (d) of Section 1170.

(e) All funding provided to a participating public defender's office shall be used for the purposes of supporting the resentencing of individuals pursuant to the pilot, including, but not limited to, ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for resentencing, identifying and recommending incarcerated persons to the district attorney's office for resentencing consideration, and developing reentry and release plans. A participating public defender's office may provide input to the county district attorney's office regarding the factors, criteria, and processes to be used by the district attorney in their exercise of discretion under paragraph (1) of subdivision (d) of Section 1170.

(f) Each participating district attorney's office shall utilize the same template developed by the evaluator to identify and track specific measures consistent with the goals of this section. The template shall be finalized no later than October 1, 2021. The measures shall include, but not be limited to, the following:

(1) A summary of expenditures by each entity receiving funds.

(2) A summary of any implementation delays or challenges, as well as steps being taken to address them.

(3) The total number of people incarcerated in state prison on the first day of each reporting year for convictions obtained in the reporting county.

(4) The factors and criteria used to identify cases to be considered for prosecutor-initiated resentencing.

(5) The total number of cases considered by a pilot participant for prosecutor-initiated resentencing. For each case, information collected shall include the date the case was considered, along with the defendant's race, ethnicity, gender, age at commitment, categories of controlling offenses, date of prison admission, earliest possible release date or minimum eligible parole date, and date of birth.

(6) The total number of prosecutor-initiated resentencing recommendations by the pilot participant to the court for recall of sentence, date of referral, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.

(7) The total number of prosecutor-initiated resentencing recommendations by the pilot participant in which the court responded, the date the court considered each case referred, how many cases the court considered, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.

(8) The total number of prosecutor-initiated resentencing recommendations denied by the court, and for each case the date of the denial and the reasons for the denial, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.

(9) The total number of people who were resentenced, the date of resentencing, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.

(10) The total number of people released from state prison due to prosecutor-initiated resentencing by the pilot participant, how many were released from state prison and the date of release, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.

(g) The participating district attorneys' offices shall provide the data listed in subdivision (f) to the evaluator on a quarterly basis.

(h) To the extent possible, the evaluation of data reported by the participating district attorneys' offices shall be conducted in a manner that allows for comparison between the pilot participant sites. This includes, but is not limited to, collection and reporting of data at the individual case level using the same definitions. Each pilot participant shall provide any information necessary to the evaluator's completion of its analysis.

(i) Notwithstanding any other law, state entities, including, but not limited to, the Department of Corrections and Rehabilitation, the State Department of Social Services, and the Department of Child Support Services, shall

provide any information needed for the completion of the evaluator's analysis.

(j) The evaluator shall do all of the following:

(1) For each case considered by a pilot participant, calculate the time served by an individual and the time remaining on their sentence.

(2) Analyze the data and prepare two preliminary reports and a final report to the Legislature. The first preliminary report shall be submitted to the Legislature on or before October 1, 2022. The second preliminary report shall be submitted to the Legislature on or before October 1, 2023. The final report shall be submitted to the Legislature on or before January 31, 2025.

(3) As part of the evaluation, the evaluator shall conduct, at minimum, four assessments, as follows:

(A) An implementation assessment shall be conducted to determine if pilot activities were implemented as intended. This assessment shall include semi-structured in-depth interviews with all relevant stakeholders, including, but not limited to, representatives from the district attorney agencies, public defender agencies and community-based organizations participating in the pilot jurisdictions. The assessment shall document the different strategies the pilot sites used, the development and implementation of the written resentencing policies and procedures, which cases were prioritized for resentencing and the referral process, and factors that facilitated or hindered implementation.

(B) A cost study that shall estimate the resources required to implement the pilot activities, to include both new expenditures on personnel and other goods and services, and the reallocation of resources from prior activities to the pilot activities. The assessment shall include total cost and cost per case.

(C) An assessment of the estimated amount of time by which an individual's earliest possible release date or minimum eligible parole date was advanced due to prosecutor-initiated resentencing, including a descriptive analysis of the process of cases from initial recommendation to final resentencing outcomes to document points of attrition in the process and allow for comparison between individuals based on age, gender, race, offense, and county. This assessment shall include a description of recidivism outcomes for individuals released from prison, based on definitions created in collaboration with pilot participants. This assessment shall include a calculation of the total number of days of incarceration avoided, and amount of time by which the person's earliest possible release date or minimum eligible parole date was advanced due to prosecutor-initiated resentencing for those individuals released from prison using data maintained by the Department of Corrections and Rehabilitation data systems.

(D) An assessment which compares, to the extent feasible, records at the individual case level with county or state administrative data files that capture utilization of government benefit and social service programs, such as Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other government cash or in-kind social services, and court-ordered child support and visitation. The evaluator shall document

changes in these indicators at the individual case level during the evaluation period, in order to determine whether any observed changes can be attributed to the pilot. The evaluator shall combine the descriptive information on outcomes from the third and fourth evaluation components with the cost analysis findings from the second component to estimate the potential for cost savings to state and local governments from the pilot activities. The evaluator shall, using the data collected from the pilot, estimate the potential for cost savings to state and local governments from the pilot activities.

(k) The pilot term shall begin on September 1, 2021, and end on September 1, 2024. The evaluation term shall begin on September 1, 2021, and end on January 31, 2025.

SEC. 4. Section 1203.425 of the Penal Code is amended to read:

1203.425. (a) (1) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) Except as otherwise provided in subclause (III) of clause (v), there is no indication that the conviction resulted in a sentence of incarceration in the state prison.

(v) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(I) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(II) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that

relief if the relevant information is present in the department's electronic records.

(B) 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 relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on August 1, 2022, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(G) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(H) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

(I) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(5) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1203.4 and 1204.4a.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section.

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

SEC. 5. Section 1233.3 of the Penal Code is amended to read:

1233.3. Annually, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall calculate a statewide performance incentive payment for each eligible county for the most recently completed calendar year, as follows:

(a) For a county identified as having a return to prison rate less than 1.5 percent, the incentive payment shall be equal to 100 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.

(b) For a county identified as having a return to prison rate of 1.5 percent or greater, but not exceeding 3.2 percent, the incentive payment shall be equal to 70 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.

(c) For a county identified as having a return to prison rate of more than 3.2 percent, not exceeding 5.5 percent, the incentive payment shall be equal to 60 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011 –12 fiscal year to the 2014–15 fiscal year, inclusive.

(d) For a county identified as having a return to prison rate of more than 5.5 percent, not exceeding 6.1 percent, the incentive payment shall be equal to 50 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.

(e) For a county identified as having a return to prison rate of more than 6.1 percent, not exceeding 7.9 percent, the incentive payment shall be equal to 40 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.

(f) A county that fails to provide information specified in Section 1231 to the Administrative Office of the Courts is not eligible for a statewide performance incentive payment.

(g) This section shall not be used to calculate incentive payments for the 2021–22 fiscal year.

SEC. 6. Section 1233.4 of the Penal Code is amended to read:

1233.4. The Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall, for the most recently completed calendar year, annually calculate a county performance incentive payment for each eligible county. A county shall be eligible for compensation for each of the following:

(a) The estimated number of felons on probation that were successfully prevented from being incarcerated in the state prison as calculated in subdivision (d) of Section 1233.1, multiplied by 35 percent of the state's costs to incarcerate a prison felony offender in a contract facility, as defined in subdivision (a) of Section 1233.1.

(b) The estimated number of felons on mandatory supervision that were successfully prevented from being incarcerated in the state prison as calculated in subdivision (h) of Section 1233.1, multiplied by 35 percent of the state's costs to incarcerate a prison felony offender in a contract facility, as defined in subdivision (a) of Section 1233.1.

(c) The estimated number of felons on postrelease community supervision that were successfully prevented from being incarcerated in the state prison as calculated in subdivision (k) of Section 1233.1, multiplied by 35 percent of the state's costs to incarcerate a prison felony offender in a contract facility, as defined in subdivision (a) of Section 1233.1.

(d) This section shall not be used to calculate incentive payments for the 2021–22 fiscal year.

SEC. 7. Section 1233.6 of the Penal Code is amended to read:

1233.6. (a) A statewide performance incentive payment calculated pursuant to Section 1233.3 and a county performance incentive payment calculated pursuant to Section 1233.4 for any calendar year shall be provided to a county in the following fiscal year. The total annual payment to a county shall be divided into four equal quarterly payments.

(b) The Department of Finance shall include an estimate of the total statewide performance incentive payments and county performance incentive

payments to be provided to counties in the coming fiscal year as part of the Governor's proposed budget released no later than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of probation failure reduction incentive payments and high performance grants completed by the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in April and May of each year.

(c) There is hereby established, in the State Treasury, the State Community Corrections Performance Incentives Fund, which is continuously appropriated. Moneys appropriated for purposes of statewide performance incentive payments and county performance incentive payments authorized in Sections 1230 to 1233.6, inclusive, shall be transferred into this fund from the General Fund. Any moneys transferred into this fund from the General Fund shall be administered by the Judicial Council and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230.

(d) For each fiscal year, the Director of Finance shall determine the total amount of the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to this section and Sections 1230 to 1233.5, inclusive, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund authorized in subdivision (c) to each county in accordance with the amounts provided.

(e) Notwithstanding Section 13340 of the Government Code, commencing July 1, 2014, and each fiscal year thereafter, the amount of one million dollars ($1,000,000) is hereby continuously appropriated from the State Community Corrections Performance Incentives Fund to the Judicial Council for the costs of implementing and administering this program, pursuant to subdivision (c), and the 2011 realignment legislation addressing public safety.

(f) This section does not apply to incentive payments made during the 2021–22 fiscal year.

SEC. 8. Section 1233.61 of the Penal Code is amended to read:

1233.61. (a) The Department of Finance shall increase to no more than two hundred thousand dollars ($200,000) the award amount for any county whose statewide performance incentive payment and county performance incentive payment, as calculated pursuant to Sections 1233.3 and 1233.4, totals less than two hundred thousand dollars ($200,000).

(b) The Department of Finance shall adjust the award amount up to two hundred thousand dollars ($200,000) per county, to those counties that did not receive a statewide performance incentive payment and county performance incentive payment, as calculated pursuant to Sections 1233.3 and 1233.4.

(c) Any county receiving funding through subdivision (b) shall submit a report to the Judicial Council and the Chief Probation Officers of California describing how it plans on using the funds to enhance its ability to be successful under this chapter. Commencing January 1, 2014, a county that fails to submit this report by March 1 annually shall not receive funding pursuant to subdivision (b) in the subsequent fiscal year.

(d) A county that fails to provide the information specified in Section 1231 to the Judicial Council shall not be eligible for payment pursuant to this section.

(e) This section shall not be used to calculate incentive payments for the 2021–22 fiscal year.

SEC. 9. Section 1233.11 is added to the Penal Code, immediately following Section 1233.10, to read:

1233.11. (a) Notwithstanding Sections 1233.3 and Section 1233.4, for the 2021–22 fiscal year, the amount of one hundred twenty-two million, eight hundred twenty-nine thousand, three hundred ninety-seven dollars ($122,829,397) is hereby appropriated from the General Fund to the State Community Corrections Performance Incentives Fund, established pursuant to Section 1233.6, for the community corrections program. Funds shall be allocated by the Controller to counties according to the requirements of the program and pursuant to the following schedule:

Alameda	$ 2,760,919
Alpine	$ 200,000
Amador	$ 233,777
Butte	$ 416,404
Calaveras	$ 512,027
Colusa	$ 267,749
Contra Costa	$ 6,643,176
Del Norte	$ 200,000
El Dorado	$ 348,495
Fresno	$ 3,156,754
Glenn	$ 223,171
Humboldt	$ 1,055,456
Imperial	$ 203,247
Inyo	$ 222,098
Kern	$ 1,519,187
Kings	$ 1,105,869
Lake	$ 465,073
Lassen	$ 253,037
Los Angeles	$ 37,413,530
Madera	$ 1,237,543
Marin	$ 988,095
Mariposa	$ 200,000
Mendocino	$ 592,510
Merced	$ 1,032,961
Modoc	$ 202,975

Mono	$ 257,466
Monterey	$ 300,463
Napa	$ 329,767
Nevada	$ 669,278
Orange	$ 4,973,540
Placer	$ 545,848
Plumas	$ 442,681
Riverside	$ 6,954,331
Sacramento	$ 12,329,233
San Benito	$ 282,215
San Bernardino	$ 8,357,087
San Diego	$ 2,930,998
San Francisco	$ 3,060,552
San Joaquin	$ 2,227,270
San Luis Obispo	$ 1,322,460
San Mateo	$ 1,175,827
Santa Barbara	$ 1,416,944
Santa Clara	$ 1,747,784
Santa Cruz	$ 1,746,643
Shasta	$ 512,037
Sierra	$ 215,489
Siskiyou	$ 284,355
Solano	$ 807,241
Sonoma	$ 1,067,821
Stanislaus	$ 1,286,879
Sutter	$ 738,100
Tehama	$ 458,088
Trinity	$ 200,000
Tulare	$ 1,864,437
Tuolumne	$ 382,373
Ventura	$ 783,267
Yolo	$ 1,504,870
Yuba	$ 200,000

(b) The total annual payment to each county, as scheduled in subdivision (a), shall be divided into four equal quarterly payments.

(c) A county that fails to provide the information required in Section 1231 to the Judicial Council shall not be eligible for payment pursuant to this section.

(d) This section shall remain in effect only until July 1, 2022, and as of that date is repealed.

SEC. 10. Section 2042.1 is added to the Penal Code, to read:

2042.1. This article shall become inoperative on October 1, 2021, and, as of July 1, 2022, is repealed.

SEC. 11. Section 3041.6 is added to the Penal Code, to read:

3041.6. The Board of Parole Hearings may conduct proceedings by videoconference. All references in this article and Article 4 of Chapter 7

(commencing with Section 2960) of this title to a participant's statutory right to meet, be present, appear, or to represent the interests of the people or another participant at a proceeding shall be satisfied by the participant's appearance by videoconference at the proceeding.

SEC. 12. Section 3042 of the Penal Code is amended to read:

3042. (a) (1) At least 30 days before the Board of Parole Hearings meets to review or consider the parole suitability of any inmate sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, the law enforcement agency that investigated the case, and, if the inmate was convicted of the murder of a peace officer, the law enforcement agency that employed the peace officer at the time of the murder.

(2) If the inmate was convicted of the murder of a firefighter, the board or the Department of Corrections and Rehabilitation shall also send the written notice described in paragraph (1) to the fire department that employed the firefighter at the time of the murder, if that fire department registers with the board to receive that notification and provides the appropriate contact information.

(b) The Board of Parole Hearings shall record all of those hearings and transcribe recordings of those hearings within 30 days of any hearing. Those transcripts, including the transcripts of all prior hearings, shall be filed and maintained in the office of the Board of Parole Hearings and shall be made available to the public no later than 30 days from the date of the hearing. An inmate shall not be released on parole until 60 days from the date of the hearing have elapsed.

(c) At any hearing, the presiding hearing officer shall state their findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of the hearing, unless the material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) The board shall review and consider all relevant and reliable information received from any person and shall consider imposing special conditions of parole to reflect the comments or concerns raised by this information, as appropriate.

(f) This section does not limit the type or content of information any person may forward to the board for consideration under any other law.

(g) Any person who receives notice under subdivision (a) who is authorized to forward information for consideration in a parole suitability hearing for a person sentenced to a life sentence under this section, may forward that information by electronic mail. The Department of Corrections and Rehabilitation shall establish procedures for receiving the information by electronic mail pursuant to this subdivision.

SEC. 13. Section 4530.5 of the Penal Code is amended to read:

4530.5. (a) For the purposes of punishing escapes or attempts to escape under Section 4530, a person is deemed confined in a "state prison" if they are an adult prisoner confined in the Deuel Vocational Institution.

(b) This section shall become inoperative on October 1, 2021, and, as of July 1, 2022, is repealed.

SEC. 14. Section 5007.3 of the Penal Code is amended to read:

5007.3. (a) (1) The department shall establish the California Reentry and Enrichment (CARE) Grant program to provide grants to community based organizations (CBOs) that provide rehabilitative services to incarcerated individuals.

(2) Grants shall be awarded by the steering committee established pursuant to subdivision (b) based on the following criteria:

(A) The steering committee shall prioritize the continuation, expansion, or replication of rehabilitative programs that have previously demonstrated success with incarcerated individuals within a correctional environment. This subparagraph does not disqualify a relatively new CBO that has programming that shows promise from applying for, or receiving, a grant.

(B) Grants shall be awarded to fund programs that provide insight-oriented restorative justice and offender accountability programs that can demonstrate that the approach has produced, or will produce, positive outcomes in department facilities, including, but not limited to:

(i) Increasing empathy and mindfulness.

(ii) Increasing resilience and reducing the impacts of stress and trauma.

(iii) Reducing violence in the form of physical aggression, verbal aggression, anger, and hostility.

(iv) Successfully addressing and treating the symptoms of post-traumatic stress disorder.

(v) Victim impacts and understanding.

(C) To the extent that the information is available, applicants shall provide evaluations and surveys, including qualitative and quantitative information, from current and former program participants and any program evaluation data conducted by an outside research organization.

(b) The department shall establish a CARE Grant program steering committee, which shall establish grant criteria, select grant recipients, and determine grant amounts and the number of grants. Members of the steering committee shall be chosen as a result of consultation with the Senate and Assembly, as follows:

(1) One member shall be an educator or trainer in the field of criminal justice, with specific knowledge and experience working with adult offenders.

(2) One member shall be a researcher with specific expertise evaluating the effectiveness of rehabilitative treatment for adult offenders.

(3) Two members shall be representatives for community based organizations with experience working with the department on CBO-led programs. The CBO representative is ineligible to apply for a grant and shall not receive any compensation from another nonprofit/CBO that receives a CARE grant.

(4) Two members shall have firsthand knowledge of rehabilitative CBO- or department-led programming through active participation and completion of courses within the preceding five years. These members are ineligible to apply for a grant and shall not receive any compensation from another nonprofit or CBO that receives a CARE grant.

(5) Two members shall be representatives of the Division of Rehabilitative Programs within the department who have had experience working directly with CBO programs.

(6) One member shall be a representative from the Division of Adult Institutions to provide insight and knowledge of the most effective CBO programs.

(7) One member shall be from the Office of the Inspector General who is familiar with the work and objectives of the California Rehabilitation Oversight Board.

(c) Prior to the release of the grant application, the department shall survey all adult prisons to determine which are able to support new programs provided by the grantees. A list of prisons that are able to add additional programs shall be clearly listed in the request for applications. All prisons that agree to accept additional programs, agree to facilitate and support the grantee organizations in the provision of those programs. Once grant applications are selected by the committee, should a prison determine that the specific programs cannot safely or adequately be provided in their particular prison, the Division of Adult Institutions, Department of Corrections and Rehabilitation shall provide detailed information, in writing, to the steering committee on the specific reasons for being unable to offer the program.

(d) To the extent amendments are made to a contract, after the contract is awarded, that result in a significant change in the level of service provided by a grantee, the department shall submit the contract amendment to the steering committee for approval prior to executing the amendment.

(e) Each member of the steering committee shall receive one hundred dollars ($100) for each day in which that committee member is engaged in the performance of official duties. The performance of official duties includes all meetings, reviewing draft application and scoring documents, reading and evaluating grant applications, and any prison visits agreed to by the committee to review grantee programs. Total compensation shall not exceed five thousand dollars ($5,000) per committee member, per year. A government employee who is participating in the committee as part of their job and is continuing to receive their regular salary is not eligible for compensation. In addition to the compensation, all members of the committee shall be reimbursed for necessary traveling and other expenses incurred in the performance of official duties. Any costs pursuant to this subdivision will be paid from CARE grant funding appropriated in the annual Budget Act.

SEC. 15. Section 5075 of the Penal Code is amended to read:

5075. (a) There is hereby created the Board of Parole Hearings. Any reference to the Board of Prison Terms in this code or any other law refers

to the Board of Parole Hearings. As of July 1, 2005, the Board of Prison Terms is abolished.

(b) (1) The Governor shall appoint 21 commissioners, subject to Senate confirmation, pursuant to this section. These commissioners shall be appointed and trained to hear only adult matters. Except as specified in paragraph (3), commissioners shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. An appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment.

(2) The terms of the commissioners shall expire as follows:

(A) Seven shall expire on July 1, 2022.

(B) Seven shall expire on July 1, 2023.

(C) Seven shall expire on July 1, 2024.

(3) The terms of the four commissioners whose positions were created by the act that increased the number of commissioners to 21 in paragraph (1) shall begin on July 1, 2021, and shall be as follows: one commissioner's term shall be for one year, two commissioners' terms shall be for two years, and one commissioner's term shall be for three years.

(4) The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual orientation, gender identity, economic, and geographic features of the population of the state.

(c) The Governor may designate a chairperson of the board periodically. The Governor shall appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged. The executive officer shall be the appointing authority for all civil service positions of employment with the board.

(d) Each commissioner shall participate in hearings on each workday, except if it is necessary for a commissioner to attend training, en banc hearings or full board meetings, or other administrative business requiring the participation of the commissioner. For purposes of this subdivision, these hearings include parole consideration hearings and parole rescission hearings.

SEC. 16. Section 5075.6 of the Penal Code is amended to read:

5075.6. (a) Commissioners and deputy commissioners hearing matters concerning adults under the jurisdiction of the Department of Corrections and Rehabilitation shall have a broad background in criminal justice and an ability for appraisal of adult offenders, the crimes for which those persons are committed, and the evaluation of an individual's progress toward reformation. Insofar as practicable, commissioners and deputy commissioners shall have a varied interest in adult correction work, public safety, and shall have experience or education in the fields of corrections, sociology, law, law enforcement, medicine, mental health, or education. In addition, insofar

as practicable, commissioners and deputy commissioners may have professional or lived experience or educational background that may enhance the expertise of the parole board, including, but not limited to, the areas of social work, substance use disorder treatment, foster care, rehabilitation, community reentry, or the effects of trauma and poverty.

(b) All commissioners and deputy commissioners who conduct hearings for the purpose of considering the parole suitability of inmates, the setting of a parole release date for inmates, or the revocation of parole for adult parolees, shall, within 60 days of appointment and annually thereafter undergo a minimum of 40 hours of training in the following areas:

(1) Treatment and training programs provided to inmates at Department of Corrections and Rehabilitation institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs.

(2) Parole services.

(3) Commissioner duties and responsibilities.

(4) Knowledge of laws and regulations applicable to conducting parole hearings, including the rights of victims, witnesses, and inmates.

SEC. 17. Section 5076.1 of the Penal Code is amended to read:

5076.1. (a) The board shall meet at each of the state prisons and facilities under the jurisdiction of the Division of Adult Institutions. Meetings shall be held at whatever times may be necessary for a full and complete study of the cases of all inmates whose matters are considered. Other times and places of meeting may also be designated by the board. Each commissioner of the board shall receive their actual necessary traveling expenses incurred in the performance of their official duties. Where the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, a majority of commissioners holding office on the date the matter is heard shall be present, and no action shall be valid unless it is concurred in by a majority vote of those present.

(b) The board may use deputy commissioners to whom it may assign appropriate duties, including hearing cases and making decisions. Those decisions shall be made in accordance with policies approved by a majority of commissioners holding office.

(c) The board may meet and transact business in panels. Each panel shall consist of two or more persons, subject to subdivision (d) of Section 3041. No action shall be valid unless concurred in by a majority vote of the persons present. In the event of a tie vote, the matter shall be referred for en banc review by the board. The commissioners conducting the review shall consider the full record that was before the panel that resulted in the tie vote. The review shall be limited to the full record that was before the panel that resulted in the tie vote. New evidence or comment shall not be considered in the en banc proceeding. A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the en banc review.

(d) Consideration of parole release for persons sentenced to life imprisonment pursuant to subdivision (b) of Section 1168 shall be heard by a panel of two or more commissioners or deputy commissioners, of which

only one may be a deputy commissioner. A recommendation for recall of a sentence under subdivision (d) of Section 1170 shall be made by a panel of two or more commissioners or deputy commissioners, of which only one may be a deputy commissioner.

SEC. 18. Section 5076.2 of the Penal Code is amended to read:

5076.2. (a) Any rules and regulations, including any resolutions and policy statements, promulgated by the Board of Parole Hearings, shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall, to the extent practical, be stated in language that is easily understood by the general public.

(b) The Board of Parole Hearings shall maintain, publish and make available to the general public, a compendium of its rules and regulations, including any resolutions and policy statements, promulgated pursuant to this section.

(c) The exception specified in this subdivision to the procedures specified in this section shall apply to the Board of Parole Hearings. The executive officer may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State. However, no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them.

SEC. 19. Section 5076.3 of the Penal Code is amended to read:

5076.3. The executive officer of the Board of Parole Hearings shall have the authority of a head of a department set forth in subdivision (e) of Section 11181 of the Government Code to issue subpoenas as provided in Article 2 (commencing with Section 11180) of Chapter 2 of Division 3 of Title 2 of the Government Code. The board shall adopt regulations on the policies and guidelines for the issuance of subpoenas.

SEC. 20. Section 6031 of the Penal Code is amended to read:

6031. (a) The Board of State and Community Corrections shall, at a minimum, inspect each local detention facility in the state biennially.

(b) Any duly authorized officer, employee, or agent of the board may, upon presentation of proper identification, enter and inspect any area of a local detention facility, without notice, to conduct an inspection required by this section.

SEC. 21. Section 6258.1 of the Penal Code is amended to read:

6258.1. An inmate shall not be transferred to a community correctional reentry facility unless all of the following conditions are met:

(a) The inmate applies for a transfer to a community correctional reentry facility.

(b) The inmate does not have a current or prior conviction for an offense that requires registration as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

(c) The inmate has less than two years left to serve in a correctional facility.

(d) The inmate does not have a history, within the prior 10 years, of an escape pursuant to Section 4532 of the Penal Code.

(e) The department determines that the inmate would benefit from the transfer.

SEC. 22. Section 9001 of the Penal Code is amended to read:

9001. (a) The California Sex Offender Management Board, which is hereby created under the jurisdiction of the Department of Corrections and Rehabilitation, shall consist of 19 members. The membership of the board shall reflect, to the extent possible, representation of northern, central, and southern California, as well as both urban and rural areas. Each appointee to the board, regardless of the appointing authority, shall have the following characteristics:

(1) Substantial prior knowledge of issues related to sex offenders, at least insofar as related to the appointee's own agency's practices.

(2) Decisionmaking authority for, or direct access to those who have decisionmaking authority for, the agency or constituency represented.

(3) A willingness to serve on the board and a commitment to contribute to the board's work.

(b) The membership of the board shall consist of the following persons:

(1) State government agencies:

(A) The Attorney General or a designee who shall be an authority in policy areas pertaining to sex offenders and shall have expertise in dealing with sex offender registration, notification, and enforcement.

(B) The Secretary of the Department of Corrections and Rehabilitation or a designee who has expertise in parole policies and practices.

(C) The Director of the Division of Adult Parole Operations or a designee.

(D) One California state judge, appointed by the Judicial Council.

(E) The Director of State Hospitals or a designee who is a licensed mental health professional with recognized expertise in the treatment of sex offenders.

(F) The Executive Director of the Office of Youth and Community Restoration within the California Health and Human Services Agency or a designee who has expertise in the treatment or supervision of juvenile sex offenders.

(2) Local government agencies:

(A) Three members who represent law enforcement, appointed by the Governor. One member shall possess investigative expertise and one member shall have law enforcement duties that include registration and notification responsibilities, and one shall be a chief probation officer.

(B) One member who represents prosecuting attorneys, appointed by the Senate Committee on Rules. The member shall have expertise in dealing with adult sex offenders.

(C) One member who represents probation officers, appointed by the Speaker of the Assembly.

(D) One member who represents criminal defense attorneys, appointed by the Speaker of the Assembly.

(E) One member who is a county administrator, appointed by the Governor.

(F) One member who is a city manager or a designee, appointed by the Speaker of the Assembly.

(3) Nongovernmental agencies:

(A) Two members who are licensed mental health professionals with recognized experience in working with sex offenders and who can represent, through their established involvement in a formal statewide professional organization, those who provide evaluation and treatment for adult sex offenders, appointed by the Senate Committee on Rules.

(B) One member who is a licensed mental health professional with experience treating juvenile sex offenders and who can represent those who provide evaluation and treatment for juvenile sex offenders, appointed by the Speaker of the Assembly.

(C) Two members who are recognized experts in the field of sexual assault and represent sexual assault victims, both adults and children, and rape crisis centers, appointed by the Governor.

(c) The board shall appoint a chair from among the members appointed pursuant to subdivision (b). The chair shall serve in that capacity at the pleasure of the board.

(d) Each member of the board who is appointed pursuant to this section shall serve without compensation.

(e) If a board member is unable to adequately perform the required duties or is unable to attend more than three meetings in a single 12-month period, the member is subject to removal from the board by a majority vote of the full board.

(f) Any vacancy on the board as a result of the removal of a member shall be filled by the appointing authority of the removed member within 30 days of the vacancy.

(g) The board may create, at its discretion, subcommittees or task forces to address specific issues. These may include board members as well as invited experts and other participants.

(h) The board shall hire a coordinator who has relevant experience in policy research. The board may hire other staff as funding permits.

(i) In the course of performing its duties, the board shall, when possible, make use of the available resources of research agencies such as the Legislative Analyst's Office, the California Research Bureau, the California State University system, including schools of public policy and criminology, and other similar sources of assistance.

(j) Staff support services for the board shall be provided by staff of the Department of Corrections and Rehabilitation as directed by the secretary.

SEC. 23. Section 13602 of the Penal Code is amended to read:

13602. (a) The Department of Corrections and Rehabilitation shall adhere to the training standards developed by CPOST at all locations where training is provided. The Department of Corrections and Rehabilitation training academy at Galt shall be known as the Richard A. McGee Academy. The training divisions, in using the funds, shall endeavor to minimize costs

of administration so that a maximum amount of the funds will be used for providing training and support to correctional peace officers while being trained by the department.

(b) Each new cadet who attends an academy shall complete the course of training, pursuant to standards approved by the CPOST before they may be assigned to a post or job as a correctional peace officer. Commencing July 1, 2021, upon graduation from an academy, each new correctional officer shall complete new employee orientation and on-the-job observational training as negotiated and approved by the CPOST, totaling a minimum of 160 hours, before they may be assigned to a post as a correctional officer. Every newly appointed first-line or second-line supervisor in the Department of Corrections and Rehabilitation shall complete the course of training, pursuant to standards approved by the CPOST for that position.

(c) The Department of Corrections and Rehabilitation shall provide a minimum of two weeks of training to each newly appointed first-line supervisor and make every effort to provide training prior to commencement of supervisorial duties. If this training is not completed within six months of appointment to that position, any first-line or second-line supervisor shall not perform supervisory duties until the training is completed.

SEC. 24. Section 13603 of the Penal Code is amended to read:

13603. (a) The Department of Corrections and Rehabilitation shall, until July 1, 2021, provide 520 hours of training to each correctional peace officer cadet. The department shall provide a minimum of 480 hours of training to each correctional peace officer cadet who commences training on or after July 1, 2021. This training shall be completed by the cadet prior to their assignment to a post or position as a correctional peace officer.

(b) The CPOST shall determine the on-the-job training requirements for correctional peace officers.

(c) Training standards previously established pursuant to this section shall remain in effect until training requirements are established by the CPOST pursuant to Section 13602.

SEC. 25. Section 13823.95 of the Penal Code is amended to read:

13823.95. (a) Costs incurred by a qualified health care professional, hospital, clinic, sexual assault forensic examination team, or other emergency medical facility for a medical evidentiary examination of a victim of a sexual assault, as described in the protocol developed pursuant to Section 13823.5, when the examination is performed pursuant to Sections 13823.5 and 13823.7, shall not be charged directly or indirectly to the victim of the assault.

(b) (1) A victim of a sexual assault who seeks a medical evidentiary examination, as that term is used in Section 13823.93, shall be provided with a standardized medical evidentiary examination, using the medical evidentiary examination report forms and protocols for victims of sexual assault developed pursuant to Section 13823.5. A victim of a sexual assault shall not be required to participate or to agree to participate in the criminal justice system, either prior to the examination or at any other time. Pursuant to the requirements of the federal Violence Against Women and Department

of Justice Reauthorization Act of 2005, and the federal Violence Against Women Reauthorization Act of 2013 through the federal Office of Violence Against Women, standardized medical evidentiary examinations consistent with Sections 13823.5 and 13823.7 shall be provided to sexual assault victims who are undecided at the time of an examination whether to report to law enforcement within the recommended timeframes for collection of evidence. Mandated reporting laws, pursuant to Section 11160, shall apply.

(2) Data from the medical evidentiary examination in paragraph (1), with the patient's identity removed, may be collected for health and forensic purposes in accordance with state and federal privacy laws.

(c) The cost of a medical evidentiary examination performed by a qualified health care professional, hospital, or other emergency medical facility for a victim of a sexual assault shall be treated as a local cost and charged to and reimbursed within 60 days by the local law enforcement agency in whose jurisdiction the alleged offense was committed.

(1) All medical evidentiary examinations are to be reimbursed at the locally negotiated rate and shall not be subject to reduced reimbursement rates based on patient history or other reasons.

(2) (A) The local law enforcement agency may seek reimbursement, as provided in subdivision (d), to offset the cost of conducting the medical evidentiary examination of a sexual assault victim who is undecided at the time of an examination whether to report to law enforcement or who has decided not to report to law enforcement.

(B) The local law enforcement agency may seek reimbursement, as provided in subdivision (e), to offset the cost of conducting the medical evidentiary examination of a sexual assault victim who has determined, at the time of the examination, to report the assault to law enforcement. This subparagraph does not permit a law enforcement agency to reduce the existing locally negotiated rate or rates for medical evidentiary examinations.

(d) (1) The Office of Emergency Services shall use the discretionary funds from federal grants awarded to the agency pursuant to the federal Violence Against Women and Department of Justice Reauthorization Act of 2005 and the federal Violence Against Women Reauthorization Act of 2013 through the federal Office of Violence Against Women, specifically, the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program, to offset the cost of the medical evidentiary examination.

(2) The Office of Emergency Services shall determine the amount that may be reimbursed to offset the cost of a medical evidentiary exam once every five years. Any increase to the amount that may be reimbursed to offset the cost of a medical evidentiary exam shall not exceed 50 percent of the reimbursement amount most recently determined by the Office of Emergency Services.

(3) Notwithstanding paragraph (2), the Office of Emergency Services may redetermine the amount that may be reimbursed to offset the cost of a medical evidentiary exam, at any time, if the federal government reduces the amount of the grants described in paragraph (1).

(e) The Office of Emergency Services shall determine the amount that shall be reimbursed to offset the cost of medical evidentiary examinations pursuant to subparagraph (B) of paragraph (2) of subdivision (c). Reimbursements shall be provided from funds to be made available upon appropriation for this purpose.

SEC. 26. Section 209 of the Welfare and Institutions Code is amended to read:

209. (a) (1) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor.

(2) The judge shall promptly notify the operator of the jail, juvenile hall, or special purpose juvenile hall of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of minors and shall note the finding in the minutes of the court.

(3) (A) The Board of State and Community Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210 or 210.2.

(B) Any duly authorized officer, employee, or agent of the board may, upon presentation of proper identification, enter and inspect any area of a local detention facility, without notice, to conduct an inspection required by this paragraph.

(4) If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the juvenile court or the board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the time the judge or board, as the case may be, finds, after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.

(5) The custodian of each jail, juvenile hall, special purpose juvenile hall, and lockup shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) (1) The Board of State and Community Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has

reason to believe may not be in compliance with the requirements of subdivision (b) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivision (b) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

(2) If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (b) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain minors in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a minor until the time the judge or the board, as the case may be, finds, after reinspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of minors in conformity with all requirements of law.

(3) The custodian of each law enforcement facility that contains a lockup for adults shall make any report as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

(c) The board shall collect biennial data on the number, place, and duration of confinements of minors in jails and lockups, as defined in subdivision (g) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

(d) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail

fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

(e) If a juvenile hall is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of minors if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of minors confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of State and Community Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall from having to correct, in accordance with subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

(f) In accordance with the federal Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. Sec. 5601 et seq.), the Corrections Standards Authority shall inspect and collect relevant data from any facility that may be used for the secure detention of minors.

(g) All reports and notices of findings prepared by the Board of State and Community Corrections pursuant to this section shall be posted on the Board of State and Community Corrections' internet website in a manner in which they are accessible to the public.

SEC. 27. Section 730 of the Welfare and Institutions Code, as added by Section 27 of Chapter 337 of the Statutes of 2020, is amended to read:

730. (a) (1) When a minor is adjudged a ward of the court on the ground that they are a person described by Section 602, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a juvenile home, ranch, camp, or forestry camp. If there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall. In addition, the court may also make any of the following orders:

(A) Order the ward to make restitution, to pay a fine up to two hundred fifty dollars ($250) for deposit in the county treasury if the court finds that the minor has the financial ability to pay the fine, or to participate in uncompensated work programs.

(B) Commit the ward to a sheltered-care facility.

(C) Order that the ward and the ward's family or guardian participate in a program of professional counseling as arranged and directed by the probation officer as a condition of continued custody of the ward.

(D) Order placement of the ward at the Pine Grove Youth Conservation Camp if the ward meets the placement criteria, the county has entered into a contract with the Division of Juvenile Justice, either directly or through another county, the division has found the ward amenable, and there is space and resources available for the placement. The county probation department shall receive approval from the division prior to transporting the ward to the camp. The director of the division shall immediately notify the county probation department if the ward is no longer amenable for continued camp placement and coordinate the immediate return of the ward to the county of jurisdiction.

(2) A court shall not commit a juvenile to any juvenile facility for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense.

(b) When a ward described in subdivision (a) is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, the court may make any and all reasonable orders for the conduct of the ward including the requirement that the ward go to work and earn money for the support of the ward's dependents or to effect reparation and in either case that the ward keep an account of the ward's earnings and report the same to the probation officer and apply these earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

(c) When a ward described in subdivision (a) is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, and is required as a condition of probation to participate in community service or graffiti cleanup, the court may impose a condition that if the minor unreasonably fails to attend or unreasonably leaves prior to completing the assigned daily hours of community service or graffiti cleanup, a law enforcement officer may take the minor into custody for the purpose of returning the minor to the site of the community service or graffiti cleanup.

(d) When a minor is adjudged or continued as a ward of the court on the ground that the ward is a person described by Section 602 by reason of the commission of rape, sodomy, oral copulation, or an act of sexual penetration specified in Section 289 of the Penal Code, the court shall order the minor to complete a sex offender treatment program, if the court determines, in consultation with the county probation officer, that suitable programs are available. In determining what type of treatment is appropriate, the court shall consider all of the following: the seriousness and circumstances of the offense, the vulnerability of the victim, the minor's criminal history and prior attempts at rehabilitation, the sophistication of the minor, the threat to public safety, the minor's likelihood of reoffending, and any other relevant

information presented. If ordered by the court to complete a sex offender treatment program, the minor shall pay all or a portion of the reasonable costs of the sex offender treatment program after a determination is made of the ability of the minor to pay.

(e) This section shall become operative July 1, 2021.

SEC. 28. Section 1760.45 is added to the Welfare and Institutions Code, to read:

1760.45. The Department of Corrections and Rehabilitation, Division of Juvenile Justice is hereby authorized to enter into contracts with counties to meet the intent of the Legislature expressed in Senate Bill 823 (Chapter 337 of the Statutes of 2020) that the Pine Grove Youth Conservation Camp remain open through a state-local partnership, or other management arrangement, to train justice-involved youth in wildland firefighting skills.

(a) The division may contract with one or more counties to furnish training and rehabilitation programs, and necessary services incident thereto, at Pine Grove, for persons 18 years of age and older who are under the jurisdiction of the juvenile court and supervision of a county probation department following adjudication under Section 602 for a felony offense.

(b) Youth placed at Pine Grove pursuant to this section shall be required to comply with the rules and regulations of the Division of Juvenile Justice consistent with Division 6 of Title 9 of the California Code of Regulations and with Section 1760.4.

(c) Placement of a youth at Pine Grove shall not be considered a commitment to the Division of Juvenile Justice.

(d) The division shall establish camp eligibility criteria and assess individual amenability for the initial and continued placement at Pine Grove.

SEC. 29. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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