

**PUBLIC SAFETY REALIGNMENT (AB 109) –
SUMMARY OF KEY PROVISIONS**

Main Components

- Established local custody for certain non-violent, non-serious, non-sex offenders who were subject to possible prison sentences prior to AB 109
- Made changes to state parole and created local “Post-Release Community Supervision”
- Shifted parole (and newly created PRCS) revocation process to county court system.

Local Custody

- Revised felony sentencing – specified lower-level felonies are punishable in jail or another local sentencing option for more than one year
- Convictions/priors for the following are still subject to possible state prison term:
 - Prior or current serious or violent felonies as described in PC 1192.7 (c) or 667.5 (c)
 - Defendants required to register as a sex offender pursuant to PC 290.
 - Other specified crimes (approximately 60 additional exclusions from “low-level” definition) are still subject to a potential term in state prison.
- For all others (non-serious, non-violent and non-sex offenses), sentence is served in County jail instead of State prison
- Maintains length of sentences (e.g. for the realigned population, what was once a 3 year prison sentence is now a 3 year county jail sentence)
- Allowed courts the option to impose a “split sentence” consisting of a period of time served in jail followed by mandatory community supervision.
- Established enhanced local custody and supervision tools:
 - Home detention for low-level offenders (EMP, GPS)
 - Local jail credits mirror current prison credits (day-for-day)
 - Expanded authority for the use of electronic monitoring by Sheriff, with approval of Board of Supervisors.

Post-Release Community Supervision (PRCS)

- As of October 1, 2011, county-level supervision by Probation for offenders upon release from State prison includes:
 - Non-violent commitment offense (irrespective of priors)
 - Non-serious commitment offense (irrespective of priors)
 - Certain sex offenders
- CDCR has no jurisdiction over any person who is under PRCS.
- No person shall be returned to prison on a violation of PRCS except for persons previously sentenced to a term of life (and only after a court order).
- Established ability of the PRCS agency (Probation) to impose graduated sanctions on individuals under supervision without court order including periods of “flash incarceration” in the county jail for up to 10 consecutive days. There is no aggregate maximum of flash incarceration days identified.

- Probation can consider an individual for discharge from PRCS with six consecutive months of supervision without a violation (no court order needed).
- Those under PRCS continuously for one year with no violations shall be discharged from supervision within 30 days (no court order needed).

State Parole

- CDCR parole continues to assume supervision for newly released offenders:
 - whose committing offense is a serious or violent felony as described in PC §1192.7(c) or 667.5(c);
 - who have been convicted of a third strike; or
 - who have been classified as a high-risk sex offender.

Revocation Processes (Parole and PRCS)

- The revocation process is now a county, Court-based process for both the parole and PRCS populations.
- Revocations are served in county jail – not in state prison.
- Only persons previously sentenced to a term of life can be revoked to prison.
- Length of a jail custody sanction is limited to 180 consecutive days.
- Those remanded to jail custody on a sanction receive 1-for-1 credit.
- For the remaining low level offenders on parole after implementation of realignment, parole has the authority to discharge after six months if no violations have occurred.

PROPOSITION 47 – SUMMARY OF KEY PROVISIONS

In November 2014, California voters approved Proposition 47, the Safe Neighborhoods and Schools Act. The initiative reduced certain non-serious and non-violent drug and property offenses from felonies to misdemeanors and, beginning FY 2016-17, redirects anticipated State savings into programs for victim services, truancy prevention, and recidivism reduction. Specifically, Proposition 47:

- Requires misdemeanor sentences for petty theft, receiving stolen property, and forging/writing bad checks when the value is \$950 or less; and for certain drug possession offenses, except for those convicted of severe crimes including rape, murder, and child molestation;
- Allows persons serving felony sentences for the above offenses to be resentenced as misdemeanors, unless the Court finds they pose an unreasonable public safety risk. Until November 4, 2022, allows for persons previously sentenced to felonies to petition for reclassification of their records; and
- Beginning FY 2016-17, redirects anticipated State savings into grants for K-12 truancy prevention programs, victim services, and local programs aimed at reducing recidivism (see below).

PROPOSITION 47 FUNDING

- State corrections savings due to Prop 47 will fund the programs below.
- Annual savings will be calculated based on corrections expenditures for the year preceding implementation of Prop 47 (i.e. FY 2013/14 will be the benchmark of comparison).

Timeline:

- The Director of Finance will calculate savings by July 31 of each fiscal year, beginning FY 2016.
- The calculation must be certified to the State Controller by August 1 of each fiscal year.

Board of State and Community Corrections (BSCC) 65%

Grant Administration

AB 1056 requires BSCC to administer funding through a competitive Second Chance Fund grant.

Funding must be used for:

- *Proposals designed to serve people who have been arrested, charged with, or convicted of a criminal offense and have a history of mental health or substance use disorders.*
- *Proposals that offer mental health services, substance use disorder treatment services, misdemeanor diversion programs, or some combination thereof.*
- *Proposals that have a public agency as the lead applicant.*

Department of Education 25%

Grant Administration

The Department of Education will administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten and grades 1 to 12.

Funding must be used for:

- *Reducing truancy.*
- *Supporting students who are at risk of dropping out of school.*
- *Supporting students who are victims of crime.*

Victim Compensation Government Claims Board (VCGCB) 10%

Grant Administration

VCGCB will administer grants to trauma recovery centers to provide services to victims of crime pursuant to Section 13963.1 of the Government Code.

The trauma recovery center must:

- *Ensure victims of crime receive timely and effective mental health treatment.*
- *Demonstrate that it serves as a community resource by providing services, including, making presentations and providing training to law enforcement, community-based agencies, and other health care providers on the identification and effects of violent crime.*

PROPOSITION 57 – SUMMARY OF KEY PROVISIONS

In November 2016, California voters approved Proposition 57, the Public Safety and Rehabilitation Act of 2016.

This measure: 1) allows parole consideration for persons convicted of nonviolent felonies and early release based on credits for education and good behavior; and 2) provides juvenile court judges greater flexibility when deciding whether juveniles age 14 years and older should be prosecuted and sentenced as adults. Specifically, Proposition 57:

- Authorizes the State Board of Parole Hearings to consider granting parole to non-violent offenders who have served the principle term of their time, regardless of additional sentences, such as sentence enhancements.
- Provided the California Department of Corrections and Rehabilitation (CDCR) with additional authority to grant prison inmates credits for good behavior and completion of rehabilitative programming, and authorized CDCR to develop the regulations to implement this change.
- Repealed provisions that allow a prosecutor to directly file charges against a minor in adult court, and instead required that minor defendants have a hearing in juvenile court before they can be transferred to adult court. In addition, Proposition 57 allows minors to be tried as adults only when the defendant is accused of committing a felony when they were 16 years of age or older, or are accused of committing certain major crimes (such as murder, robbery, and certain sex offenses) when they were 14 or 15 years of age.

Additional information on CDCR's implementation of Proposition 57 is available at the department's website: <http://www.cdcr.ca.gov/proposition57/>