

**Brief Summary* of Key Provisions in AB 109 & AB 117:
2011 Public Safety Realignment
Updated July 2011**

Main components

- Defines local custody for non-violent, non-serious, non-sex offenders
- Makes changes to state parole and creates local “post-release community supervision”

Local planning process

- Expands role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code §1230
- Requires CCP to develop and recommend to the board of supervisors an **implementation plan** for 2011 public safety realignment
- Creates an Executive Committee from the CCP members comprised of:
 - Chief probation officer (chair)
 - Chief of police
 - Sheriff
 - District Attorney
 - Public Defender
 - Presiding judge of the superior court (or his or her designee)
 - A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by the County Board of Supervisors
- The implementation plan is deemed accepted by the County Board of Supervisors unless the Board rejects the plan by a four-fifths vote.

→ *The meetings of the CCP and its Executive Counties are subject to the Brown Act. Counties are advised to consult with counsel regarding the application of the open meeting law in this regard.*

Timeframe

- All provisions are **prospective** and applied on October 1, 2011
 - AB 118 provides the statutory framework, allocation methodology and revenue to implement public safety realignment
- **No state prison inmates will be transferred to county jails.**

Local custody

- Revises the definition of felony to include specified lower-level crimes that would be punishable in jail or another local sentencing option for more than one year.
- Maintains length of sentences.
- Time served in jails instead of prisons:
 - Non-violent offenders
 - Non-serious offenders
 - Non-sex offenders
- Enhanced local custody and supervision tools
 - Alternative custody tools for county jails
 - Home detention for low-level offenders
 - Local jail credits mirror current prison credits (day-for-day)
 - Broaden maximum allowable hospital costs for jail inmates and remove sunset date.

State custody

- Convictions/priors for following offenses require state prison term:
 - Prior or current serious or violent felony as described in PC 1192.7 (c) or 667.5 (c)
 - The defendant is required to register as a sex offender pursuant to PC 290
- Other specified crimes (approximately 60 additional exclusions from “low-level” definition) will still require term in state prison

Contracting back

- Counties permitted to contract back with the state to send local offenders to state prison.
- Authorize counties to contract with public community correctional facilities (CCFs).
- Contracting back *does not* extend to parole revocations.

Post-release (county-level) community supervision

- Prospectively, county-level supervision for offenders upon release from prison will include:
 - Current non-violent offenders (irrespective of priors)
 - Current non-serious offenders (irrespective of priors)
 - Sex offenders
- County-level supervision *will not include*:
 - 3rd strikers
 - Individuals with a serious commitment offense
 - Individuals with a violent commitment offense
 - High risk sex offenders as defined by CDCR
- Board of Supervisors designates a county agency to be responsible for Post Release Supervision and provide that information to CDCR by August 1, 2011.
- CDCR must notify counties as to who is being released on post-release supervision at least one month prior to their release.
- CDCR has no jurisdiction over any person who is under post-release community supervision
- No person shall be returned to prison except for **persons previously sentenced to a term of life** (and only after a court order).

Post-release revocations

- Revocations are capped at 180 days with day-for-day credit earning.
- Authorizes discharging individuals on post-release community supervision who have no violations for six months.

Ongoing state parole

- CDCR continues to have jurisdiction over all offenders on state parole prior to July 1, 2011 implementation
- State parole will continue for the following:
 - The offender's committing offense is a serious or violent felony as described in PC §§1192.7(c) or 667.5(c);
 - The offender has been convicted of a third strike;
 - The person is classified as a high risk sex offender; or
 - The person is classified as a Mentally Disordered Offender (MDO).

Parole revocations

- Prospectively, the parole revocation process continues under Board of Parole Hearings (BPH) until July 1, 2013.
- Parole revocations will be served in county jail and not to exceed 180 days.
- Contracting back to the state for revocations is not an option.
- Only persons previously sentenced to a term of life can be revoked to prison.
- 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.

Juvenile Justice

- AB 109 limited the future juvenile court commitments to state juvenile detention (Division of Juvenile Justice or DJJ); this provision was removed in AB 117. Consequently, there are no changes to the state juvenile justice system in realignment.