



# AB 109 (COMMITTEE ON BUDGET), STATUTES OF 2011 CRIMINAL JUSTICE ALIGNMENT

## FACT SHEET DECEMBER 2011

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### Overview

In April 2011, Governor Edmund G. Brown Jr. signed Assembly Bills (AB) 109 and 117, historic legislation that will enable California to close the revolving door of low-level inmates cycling in and out of state prisons. It is the cornerstone of California's solution for reducing the number of inmates in the state's 33 prisons to 137.5% of design capacity by May 24, 2013, as ordered by the U.S. Supreme Court. All provisions of AB 109 and AB 117 are prospective, and implementation of the 2011 Realignment legislation began October 1, 2011.

AB 109 allows non-violent, non-serious, and non-sex offenders to serve their sentences in county jails instead of state prisons. However, counties can contract back with the state to house local offenders. Under AB 109:

- No inmates currently in state prison will be transferred to county jails or be released early.
- All felons sent to state prison will continue to serve their entire sentence in state prison.
- All felons convicted of current or prior serious or violent offenses, sex offenses, and sex offenses against children will go to state prison.
- Nearly 60 additional crimes that are not defined in the Penal Code as "serious" or "violent" offenses were added as offenses that would be served in state prison rather than in local custody, at the request of law enforcement.

Realignment 2011 legislation expands the current role of the Community Corrections Partnership (CCP) in each county, which was previously established in SB 678 as an advisory committee on implementation of public safety realignment. The CCP must develop and recommend to the county Board of Supervisors an implementation plan for 2011 public safety realignment. Additionally, an Executive Committee of the CCP was established, which votes on the plan before it is sent to the Board, and is composed of members from the larger committee.

### Financing

Governor Brown also signed multiple trailer bills to ensure the provision of 2011 Realignment funding before implementation could go into effect. The 2011 Realignment is funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF) outlined in trailer bills AB 118 and SB 89. The latter provides revenue to counties for local public safety programs and the former establishes the Local Revenue Fund 2011 (Fund) for counties to receive the revenues and appropriate funding for 2011 public safety realignment.

The state has so far provided counties with a reliable funding source to pay for these services for only one year (FY 2011-12).

- Counties and law enforcement throughout the state support placing an initiative on the November 2012 ballot that would guarantee this ongoing funding for counties and local governments to provide these vital local services out of existing state funds. Under this measure, these funds could not be raided by the legislature in the future.

- Without this measure, essential local services are at risk, including law enforcement and public safety, services for abused and neglected children and seniors, mental health services, drug treatment and other social services.
- The measure would also shift control and decision-making power from the state to local governments, which are more accountable to the public, better understand local needs, and use tax dollars more efficiently.

A permanent allocation of the ongoing revenues will presumably take place next year. Four hundred million dollars (\$400 million) is provided to counties this year, growing to more than \$850 million next year and more than \$1 billion in 2013-2014. These funds are intended to cover all aspects of the adult population shifts: the transfer of the low-level offender population, counties' new supervision responsibilities for state prison inmates released to post-release community supervision (PRCS), and sanctions (to include incarceration) for those on PRCS who are revoked.

## **Related Issues**

There is also expected to be increased law enforcement, community and court interest in the use of the "involuntary commitment" options for individuals with serious mental illnesses, as specified under California's Lanterman-Petris-Short (LPS) Act.

The LPS Act specifies at least eight alternatives (see Chapter 2, Welfare and Institutions Code Sections 5150-5349, Articles 1-9) for the court to order more intensive inpatient or outpatient treatment. These range from inpatient evaluation and treatment for chronic drug abuse to up to 180 days additional inpatient treatment for dangerousness due to a mental disorder.

Many of these options require the approval of the county Boards of Supervisors, due to resource consideration issues. "Laura's Law" is one of these options, which like all of the others does not have a specified funding source attached to the implementation requirements. Many of these additional LPS commitment options have not been implemented statewide due to lack of dedicated financial resources.