
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 630 **Hearing Date:** April 25, 2017
Author: Skinner
Version: April 20, 2017
Urgency: Yes **Fiscal:** No
Consultant: JRD

Subject: *Jails: Financing Bonds*

HISTORY

Source: Author

Prior Legislation: AB 844 (Budget and Fiscal Review) Chap. 34, Stats. of 2016

Support: Unknown

Opposition: California State Sheriffs' Association

PURPOSE

The purpose of this bill is require that a county using the financing authority described, for an adult local criminal justice facility proposal that is approved by the BSCC (Board of State and Community Corrections) on or after January 1, 2018, to certify and covenant in writing that the county is not and will not be leasing housing capacity to any other public or private entity, except for leases with state or another county, for a period of 10 years beyond the completion date of the adult local criminal justice facility.

Existing law requires the participating county contribution for adult local criminal justice facilities financed under this chapter to be a minimum of 10 percent of the total project costs. The BSCC may reduce contribution requirements for participating counties with a general population below 200,000 upon petition by a participating county to the BSCC requesting a lower level of contribution. (Government Code § 15820.946(a).)

Existing law requires BSCC to determine the funding and scoring criteria consistent with the requirements of this chapter. Financing must be awarded only to those counties that have previously received only a partial award or have never received an award from the state within the financing programs specified. The funding criteria must include, as a mandatory criterion, documentation of the percentage of pretrial inmates in the county jail from January 1, 2015, to December 31, 2015, inclusive, and a description of the county's current risk assessment based pretrial release program. Funding preference shall also be given to counties that are most prepared to proceed successfully with this financing in a timely manner. The determination of preparedness to proceed must include the following:

- Counties providing a board of supervisors' resolution authorizing an adequate amount of available matching funds to satisfy the counties' contribution and approving the forms of the project documents deemed necessary, as identified by the board to the BSCC, to effectuate the financing authorized by this chapter, and authorizing the appropriate signatory or signatories to execute those documents at the appropriate times. The identified matching funds in the resolution shall be compatible with the state's lease-revenue bond financing.
- Counties providing documentation evidencing CEQA compliance has been completed. Documentation of CEQA compliance shall be either a final Notice of Determination or a final Notice of Exemption, as appropriate, and a letter from county counsel certifying the associated statute of limitations has expired and either no challenges were filed or identifying any challenges filed and explaining how they have been resolved in a manner that allows the project to proceed as proposed.

(Government Code §15820.946(b).)

Existing law specifies that funding consideration must be given to counties that are seeking to replace compacted, outdated, or unsafe housing capacity that will also add treatment space or counties that are seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment.

(Government Code §15820.946(c).)

Existing law specifies that a participating county may replace existing housing capacity, realizing only a minimal increase of capacity, using this financing authority if the requesting county clearly documents an existing housing capacity deficiency. (Government Code §15820.946(d).)

Existing law requires that a participating county with a request *resulting in any increase in capacity using* this financing authority must be required to certify and covenant in writing that the county is not, and will not be, leasing housing capacity to any other public or private entity for a period of 10 years beyond the completion date of the adult local criminal justice facility. (Government Code §15820.946(e) [emphasis added].)

Existing law requires that any locked facility constructed or renovated with state funding awarded under this program to include space to provide onsite, in-person visitation capable of meeting or surpassing the minimum number of weekly visits required by state regulations for persons detained in the facility. (Government Code §15820.946(f).)

Existing law requires that any county applying for financing authority under this program to include a description of efforts to address sexual abuse in its adult local criminal justice facility constructed or renovated pursuant to this chapter. (Government Code §15820.946(g).)

This bill would require that a county using the financing authority described above, for an adult local criminal justice facility proposal that is approved by the BSCC on or after January 1, 2018, to certify and covenant in writing that the county is not and will not be leasing housing capacity to any other public or private entity, except for leases with state or another county, for a period of 10 years beyond the completion date of the adult local criminal justice facility.

COMMENTS**1. Need for Legislation**

According to the author:

This bill is intended to ensure that state funds are not used to construct new county jail facilities that, in turn, are partially or completely leased to non-state and/or non-county entities.

2. Effect of this Legislation

Existing law requires that a participating county with a request resulting in any *increase in capacity* must be required to certify and covenant in writing that the county is not, and will not be, leasing housing capacity to any other public or private entity for a period of 10 years beyond the completion date of the adult local criminal justice facility. This legislation requires a county to certify and covenant in writing that the county is not and will not be leasing housing capacity to any other public or private entity for a period of 10 years beyond the completion date of the adult local criminal justice facility. This new subdivision does not prohibit the county from contracting with the State of California or other counties.

-- END --