

employee shall not be allowed to perform any job duties within a licensed area within the institution until the certificate has been submitted and accepted by the department.

(b) (1) An employee whose primary job functions require them to work inside an institution shall receive annual TB screening and ensure that certificates are submitted and accepted by the department showing they are free of active tuberculosis. If an employee is suspected of having active tuberculosis during an annual TB screening, the employee shall have a medical evaluation to determine the need for follow up care in accordance with the recommendations of the federal CDC.

(2) The department may require more frequent TB screening or testing, including skin or blood tests, if there is a known exposure or ongoing transmission within an institution.

(c) The department shall ensure that all annual TB screenings are:

(1) Offered to the employee promptly at a reasonable time and place.

(2) Offered at no cost to the employee.

(3) Performed by, or under the supervision of, a licensed health care professional.

(d) The department may contract with a licensed health care professional to administer the baseline TB screening and testing, annual TB screening, or medical evaluations. An employee who declines the department's offer of these services shall obtain the services through their personal licensed health care providers at no cost to the department.

(e) Follow up care for tuberculosis shall be pursued through the workers' compensation system as provided in Division 4 (commencing with Section 3200) and Division 5 (commencing with Section 6300) of the Labor Code for job-related incidents or through the employee's health insurance plan for non-job-related incidents. The department shall file a report for an employee whose test or medical evaluation for tuberculosis is positive. In addition, the department shall follow the guidelines, policies, and procedures of the workers' compensation early intervention program pursuant to Section 3214 of the Labor Code.

(f) The department shall maintain a file containing an up-to-date certificate for each employee.

SEC. 14. *Section 6008 of the Penal Code is repealed.*

~~6008. The Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, and the Youthful Offender Parole Board shall report to the State Department of Health Services the results of the tuberculosis examinations required by Section 6006.~~

SEC. 15. *Section 6027 of the Penal Code is amended to read:*

6027. (a) It shall be the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The board shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions.

(b) Consistent with subdivision (c) of Section 6024, the board shall also:

(1) Develop recommendations for the improvement of criminal justice and delinquency and gang prevention activity throughout the state.

(2) Identify, promote, and provide technical assistance relating to evidence-based programs, practices, and promising and innovative projects consistent with the mission of the board.

(3) Develop definitions of key terms, including, but not limited to, "recidivism," "average daily population," "treatment program completion rates," and any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs. In developing these definitions, the board shall consult with the following stakeholders and experts:

(A) A county supervisor or county administrative officer, selected after conferring with the California State Association of Counties.

- (B) A county sheriff, selected after conferring with the California State Sheriffs' Association.
 - (C) A chief probation officer, selected after conferring with the Chief Probation Officers of California.
 - (D) A district attorney, selected after conferring with the California District Attorneys Association.
 - (E) A public defender, selected after conferring with the California Public Defenders Association.
 - (F) The Secretary of the Department of Corrections and Rehabilitation.
 - (G) A representative from the Administrative Office of the Courts.
 - (H) A representative from a nonpartisan, nonprofit policy institute with experience and involvement in research and data relating to California's criminal justice system.
 - (I) A representative from a nonprofit agency providing comprehensive reentry services.
- (4) Receive and disburse federal funds, and perform all necessary and appropriate services in the performance of its duties as established by federal acts.
- (5) Develop comprehensive, unified, and orderly procedures to ensure that applications for grants are processed fairly, efficiently, and in a manner consistent with the mission of the board.
- (6) Identify delinquency and gang intervention and prevention grants that have the same or similar program purpose, are allocated to the same entities, serve the same target populations, and have the same desired outcomes for the purpose of consolidating grant funds and programs and moving toward a unified single delinquency intervention and prevention grant application process in adherence with all applicable federal guidelines and mandates.
- (7) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of those units, or other public or private agencies, organizations, or institutions in matters relating to criminal justice and delinquency prevention.
- (8) Develop incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services, such as job training and employment opportunities, to a broader target population, including at-promise youth, and maximize the impact of state funds at the local level.
- (9) Conduct evaluation studies of the programs and activities assisted by the federal acts.
- (10) Identify and evaluate state, local, and federal gang and youth violence suppression, intervention, and prevention programs and strategies, along with funding for those efforts. The board shall assess and make recommendations for the coordination of the state's programs, strategies, and funding that address gang and youth violence in a manner that maximizes the effectiveness and coordination of those programs, strategies, and resources. By January 1, 2014, the board shall develop funding allocation policies to ensure that within three years no less than 70 percent of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. The board shall communicate with local agencies and programs in an effort to promote the best evidence-based principles and practices for addressing gang and youth violence through suppression, intervention, and prevention.
- (11) The board shall collect from each county the plan submitted pursuant to Section 1230.1 within two months of adoption by the county boards of supervisors. ~~Commencing January 1, 2013, and annually thereafter, the board shall collect and analyze available data regarding the implementation of the local plans and other outcome-based measures, as defined by the board in consultation with the Administrative Office of the Courts, the Chief Probation Officers of California, and the California State Sheriffs' Association. By July 1, 2013, and annually thereafter, the board shall provide to the Governor and the Legislature a report on the implementation of the plans described above.~~
- (12) Commencing on and after July 1, 2012, the board, in consultation with the Administrative Office of the Courts, the California State Association of Counties, the California State Sheriffs' Association, and the Chief Probation Officers of California, shall support the development and implementation of first phase baseline and ongoing data collection instruments to reflect the local impact of Chapter 15 of the Statutes of 2011, specifically related to dispositions for felony offenders and postrelease community supervision. The board shall make any data collected pursuant to this paragraph available on the board's internet website. It is the intent of

the Legislature that the board promote collaboration and the reduction of duplication of data collection and reporting efforts where possible.

(c) The board may do either of the following:

(1) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state.

(2) Perform other functions and duties as required by federal acts, rules, regulations, or guidelines in acting as the administrative office of the state planning agency for distribution of federal grants.

(d) Nothing in this chapter shall be construed to include, in the provisions set forth in this section, funds already designated to the Local Revenue Fund 2011 pursuant to Section 30025 of the Government Code.

SEC. 16. Section 6044 of the Penal Code is repealed.

~~6044.(a)The Council on Criminal Justice and Behavioral Health is hereby established within the Department of Corrections and Rehabilitation. The council shall be composed of 12 members, one of whom shall be the secretary of the department who shall be designated as the chairperson, one of whom shall be the Director of State Hospitals, one of whom shall be the Director of Health Care Services, and nine of whom shall be appointed. The Governor shall appoint three members, at least one of whom shall represent behavioral health. The Senate Committee on Rules shall appoint two members, one representing law enforcement and one representing behavioral health. The Speaker of the Assembly shall appoint two members, one representing law enforcement and one representing behavioral health. The Attorney General shall appoint one member. The Chief Justice of the California Supreme Court shall appoint one member who shall be a superior court judge. When selecting appointments, experience with the criminal justice or behavioral health systems, or both, either personally, as a family member, or as a caregiver, is encouraged.~~

~~(b)The council shall select a vice chairperson from among its members. Six members of the council shall constitute a quorum.~~

~~(c)The Director of State Hospitals and the Director of Health Care Services shall serve as the liaison to the California Health and Human Services Agency and any departments within that agency necessary to further the purposes of this article.~~

~~(d)Members of the council shall receive no compensation, but shall be reimbursed for actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the board shall be deemed performance by a member of the duties of his or her state or local government employment.~~

~~(e)The goal of the council shall be to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with behavioral health disorders who are likely to become offenders or who have a history of offending. The council shall:~~

~~(1)Identify strategies for preventing adults and juveniles with behavioral health needs from becoming offenders.~~

~~(2)Identify strategies for improving the cost-effectiveness of services for adults and juveniles with behavioral health needs who have a history of offending.~~

~~(3)Identify incentives to encourage state and local criminal justice, juvenile justice, and behavioral health programs to adopt cost-effective approaches for serving adults and juveniles with behavioral health needs who are likely to offend or who have a history of offending.~~

~~(f)The council shall consider strategies that:~~

~~(1)Improve service coordination among state and local behavioral health, criminal justice, and juvenile justice programs.~~

~~(2)Improve the ability of adult and juvenile offenders with behavioral health needs to transition successfully between corrections-based, juvenile justice-based, and community-based treatment programs.~~

~~(g)The Secretary of the Department of Corrections and Rehabilitation, the Director of State Hospitals, and the Director of Health Care Services may furnish for the use of the council those facilities, supplies, and personnel as~~

SEC. 22. *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, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility situated in this state that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any juvenile.

(2) The judge shall promptly notify the operator of the jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Sections 210, 875, 885, and subdivision (e) of Section 207.1. 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 juveniles and shall note the finding in the minutes of the court.

(3) (A) The Board of State and Community Corrections shall ~~conduct~~ *conduct, at a minimum*, a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any juvenile. The board shall promptly notify the operator of any jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility 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, 210.2, 875, 885, or subdivision (e) of Section 207.1.

(B) Any duly authorized officer, employee, or agent of the board may, upon presentation of proper identification, enter and inspect any area of any juvenile local detention facility, without notice, to conduct an inspection required *or authorized* 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, lockup, camp, ranch, or secure youth treatment facility finds that it is not being operated and maintained as a suitable place for the confinement of juveniles, the juvenile court or the board shall give notice of its finding to all persons having authority to confine juveniles pursuant to this chapter and, commencing 60 days thereafter, the facility shall not be used for confinement of juveniles 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 juveniles.

(5) The custodian of each jail, juvenile hall, special purpose juvenile hall, lockup, camp, ranch, or secure youth treatment facility 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 that, in the preceding year, was used for the secure detention of any juvenile. 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 juveniles in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a juvenile 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 juveniles 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 juveniles 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) (1) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail shall be **unsuitable** for the confinement of juveniles 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, 210.2, 875, 885, or subdivision (e) of Section 207.1, 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, camp, ranch, secure youth treatment facility, 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~~

(2) (A) A corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, 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~~

(B) Subject to revocation, the board may delegate the authority to approve or disapprove a corrective action plan to the board's executive director or a deputy director. A delegee shall approve or disapprove the corrective action plan in accordance with criteria and considerations for approval or disapproval, which the board shall develop. The approval or disapproval of a corrective action plan by a delegee shall be effective as of the date the determination is made by the delegee. If that determination is made more than 15 days prior to the board's next regularly scheduled meeting, the board shall either ratify or overrule the delegee's approval or disapproval of the corrective action plan at its next regularly scheduled meeting. If that determination is made 15 days or fewer prior to the board's next regularly scheduled meeting, the board shall either ratify or overrule the delegee's approval or disapproval of the corrective action plan at the first regularly scheduled meeting occurring after the next regularly scheduled meeting. The board's ratification or overruling of the corrective action plan shall not alter the effective date of the delegee's initial determination to approve or disapprove the corrective action plan or extend any time period for compliance.

(3) In the event the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, 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, special purpose juvenile hall, camp, ranch, or secure youth treatment facility 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, 875, 885, or subdivision (e) of Section 207.1, 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 juveniles 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 juveniles 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, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, 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, special purpose juvenile hall, camp, ranch, or secure youth treatment facility into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility from having to correct, in accordance with subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

(f) 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.

(g) For the purposes of this section, the following definitions shall apply:

(1) "Juvenile" means a person who meets any of the following criteria:

(A) A person under 18 years of age.

(B) A person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult as defined in paragraph (2) of this subdivision.

(C) A person whose case originated in the juvenile court and is subject to Section 208.5.

(2) "Incarcerated adult" means a person who is 18 years of age or older, not subject to the jurisdiction of the juvenile court, and has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, and is not a juvenile defined in subparagraph (C) of paragraph (1) of this subdivision.

(3) "Subject to the jurisdiction of the juvenile court" means a person alleged or found to be subject to Section 601, 602, 607, or 875.

(h) This section does not require the judge of the juvenile court or the board to make determinations of suitability for local correctional facilities based on standards adopted pursuant to Section 6030 of the Penal Code.

(i) (1) The board may bring a civil action to enforce compliance with minimum standards for juvenile facilities or closure, as described in this section, in the superior court in the county in which a facility is located if the facility has received notice pursuant to paragraph (4) of subdivision (a).

(2) This subdivision does not preclude the Attorney General from conducting an independent investigation or bringing a civil action of its own to address violations of any applicable law.

(3) The board may seek any appropriate relief available under existing law, including, but not limited to, injunctive relief, orders compelling compliance, sanctions, and equitable relief it deems necessary to protect the health, safety, and welfare of juveniles in custody within the applicable county. The board may also seek attorney's fees to the extent authorized by existing law.

(4) The board's authority to bring a civil action pursuant to this section is in addition to any other enforcement authority and remedies available under existing law.

(5) The board's authority to bring a civil action does not limit the ability of the affected county to seek any temporary or permanent relief from the obligations or consequences imposed by this section, to the extent that relief is available under existing law.

SEC. 23. *Section 4361 of the Welfare and Institutions Code is amended to read:*

4361. (a) As used in this section, "department" means the State Department of State Hospitals.

(b) The purpose of this chapter is to, subject to appropriation by the Legislature, promote the diversion of individuals with serious mental disorders as prescribed in Chapter 2.8A (commencing with Section 1001.35) of Title 6 of Part 2 of the Penal Code, and to assist counties in providing diversion for individuals with serious mental illnesses who have been found incompetent to stand trial for a felony charge. In implementing this chapter, the department shall consider local discretion and flexibility in diversion activities that meet the community's needs and provide for the safe and effective treatment of individuals with serious mental disorders across a continuum of care.

(c) (1) Subject to appropriation by the Legislature, the department may solicit proposals from, and may contract with, a county to help fund the development or expansion of pretrial diversion described in Chapter 2.8A (commencing with Section 1001.35) of Title 6 of Part 2 of the Penal Code, for the population described in subdivision (b) and that meets all of the following criteria:

(A) Participants are individuals diagnosed with a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including, but not limited to, bipolar disorder, schizophrenia, and schizoaffective disorder, but excluding a primary diagnosis of antisocial personality disorder, borderline personality disorder, and pedophilia, and who are presenting non-substance-induced psychotic symptoms, who have been found incompetent to stand trial pursuant to clause (v) of subparagraph (C) of paragraph (1) of subdivision (a) of Section 1370 of the Penal Code.

(B) There is a significant relationship between the individual's serious mental disorder and the charged offense, or between the individual's conditions of homelessness and the charged offense.

(C) The individual does not pose an unreasonable risk of danger to public safety, as defined in Section 1170.18 of the Penal Code, if treated in the community.