

## **INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

The Board of State and Community Corrections (BSCC) proposes to adopt Sections 1830.1, 1840.1, 1847.1, 1848.5, 1849, and, 1850.1; and amend the Subchapter 7 Authorizing Agency Name, Subchapter 7 Title, Article 3 and 4 titles, Sections 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, and, 1892; and repeal Section 1857, of Title 15 of the California Code of Regulations (CCR). Senate Bill 81, statutory law includes specific mandates requiring that the BSCC, CDCR, a participating county, and the State Public Works Board acquire, design, and construct youthful offender rehabilitative facilities as approved and overseen by the BSCC pursuant to Section 1975 of the Welfare and Institutions Code.

### **Summary of Existing Laws**

Title 15 regulations discuss and define the requirements, responsibilities, and processes set forth in Sections 1800-1892 of the 2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program. While current regulations speak of local youthful offender rehabilitative facilities, they do not address the Design-Build construction delivery method, the release of round two financing, or any other statutory changes made since the original statute was adopted in 2007.

Section 6030 of the Penal Code requires that the BSCC establish minimum standards for local juvenile facilities. These minimum standards include the review and approval of proposed youthful offender rehabilitative facility construction documents and materials for compliance with existing safety and security regulations.

### **Summary of Existing Regulations**

Existing standards that prescribe requirements for the Local Youthful Offender Rehabilitative Facilities Construction Financing Program are promulgated by the BSCC. These regulations are contained in Title 15, 2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program, Division 1, Chapters 1, Subchapter 7 of the CCR.

### **Compatibility with Current Regulations**

The Board has evaluated the proposed regulation changes and determined that the adoption of these changes to the existing regulation is not inconsistent or incompatible with existing state regulations.

### **Summary of Effect**

The proposed action updates Title 15, Division 1, Chapter 1, Subchapter 7 of the CCR, adopting and amending language to implement statute requiring the BSCC to allow Design-Build as a delivery method of construction, as well as authorizing Round Two of financing to award the remaining available funds, and update the agency name from Corrections Standards Authority to Board of State and Community Corrections. The proposed action adds statutory requirement found in Welfare and Institutions Code Sections 1970-1978 as it pertains to the financing of local youthful offender rehabilitative facilities. Counties across the state are facing crowding in existing and outdated custodial facilities. Lack of program space, mental

health and treatment space facilities give counties little option for custodial sentencing and evidence-based practices and programming. The proposed action will allow for the award of \$79.2 million in remaining local youthful offender rehabilitative facilities construction financing to relieve counties of crowding, lack of other necessary space, and outdated facilities.

### **Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

### **Policy Statement Overview**

The broad objective of the proposed action is to update regulations for the 2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program in conformance with statutory changes.

## **DISCLOSURE REGARDING THE PROPOSED ACTION**

The BSCC has made the following initial determinations:

**Mandate on local agencies and school districts:** As required by Government Code Section 11346.9(a)(2), the BSCC has determined that there will be no mandates imposed on local agencies or school districts through the adoption of these Title 15 regulations as proposed. Local agencies participate in the Local Youthful Offender Rehabilitative Facilities Construction Financing Program by request for proposal. Participation in these programs is on a voluntary basis only. No local agency or school district is required to participate.

**Cost or savings to any state agency:** There were no additional positions or staff time received for this program, costs will be absorbed by the current budget. There will be a cost of debt service paid on lease revenue bonds, however, the BSCC does not anticipate any payments related to these regulatory changes during the current or subsequent two fiscal years.

**Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630:** None.

**Other nondiscretionary costs or savings imposed on local agencies:** None

**Costs or savings in federal funding to the state:** None.

**Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:** None.

**Cost impacts on a representative private person or businesses:** The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Adoption of these regulations will not:**

- (1) Eliminate jobs within California.

- (2) Create new businesses or eliminate existing businesses within California.
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

#### Small Business Determination:

The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs local youthful offender rehabilitative facilities.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a) (13), the BSCC has determined that no reasonable alternative has been identified that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### **DOCUMENTS INCORPORATED BY REFERENCE**

Senate Bill 81, Round Two Local Youthful Offender Rehabilitative Facility Construction Funding program Proposal Form, dated July 16, 2014.

### **DOCUMENTS RELIED UPON**

Senate Bill 81, Round Two, Construction of Local Youthful Offender Rehabilitative Facilities, Released on September 12, 2014.

### **CONTACT PERSON**

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