

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board of State and Community Corrections (BSCC) proposes to adopt Sections 1712.3, 1714.3, 1730.3, and 1740.3, and amend Sections 1700, 1706, 1712.2, 1714.2, 1730.2, 1731, 1740.2, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, and 1792 of Title 15 of the California Code of Regulations (CCR). SB 1022 and SB 863 statutory law include specific mandates requiring that the BSCC and/or CDCR, a participating county, and the State Public Works Board acquire, design, and construct adult local criminal justice facilities as approved and overseen by the BSCC pursuant to Section 15820.925 and 15820.935 of the Government Code.

Summary of Existing Laws

Title 15 regulations discuss and define the requirements, responsibilities, and processes set forth in previous Sections 15820.90-15820.907, 15820.91-15820.917, and 15820.92-15820.926 for Phase I and II of the Local Jail Construction Financing Program, and the SB 1022, Adult Local Criminal Justice Facilities Construction Financing Program. While current regulations speak to the SB 1022 program and adult local criminal justice facilities, they do not address CDCR as a participating state agency, nor do they address the SB 863 program.

Section 6030 of the Penal Code requires that the BSCC establish minimum standards for local correctional facilities. These minimum standards include the review and approval of proposed jail and criminal justice 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 jail construction financing program are promulgated by the BSCC. These regulations are contained in Title 15, Construction Financing Program, Division 1, Chapters 1, Subchapter 6 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 would update Title 15, Division 1, Chapter 1, Subchapter 6 CCR, adopting and amending language to implement statute requiring the BSCC to award up to \$500 million in construction financing to acquire, design, and construct SB 863 adult local criminal justice facilities. The proposed action also adds statutory requirements found in Government Code Sections 15820.92, 15820.921, 15820.924, and 15820.93-15820.936, as it pertains to the financing of adult local criminal justice facilities. Counties across the state are facing overcrowding in existing and outdated custodial facilities. Lack of program space, mental health and treatment space, and reentry facilities give counties little option for non-custodial sentencing. The proposed action will allow for the award of \$500 million in adult criminal justice facilities construction financing to relieve counties of crowding, unsafe facilities, and insufficient programming and mental health treatment space.

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 Adult Local Criminal Justice Facilities Construction Financing Program in conformance with statutory amendments and adoptions.

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 Adult Local Criminal Justice 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 current budget. There will be a cost of debt service paid on lease revenue bonds, however, the BSCC does not anticipate any payments 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 for adult local criminal justice facilities.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The BSCC did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

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.

NONDUPLICATION

Although the SB 863 and SB 1022 programs award financing to counties, the construction projects are still required to conform to state construction project requirements due to the lease-revenue bond financing mechanism. The BSCC has determined that the state requirements imposed in these program are cumbersome, confusing, and unfamiliar to participating counties such that the duplication of statutes and regulations in these regulations are necessary to satisfy the clarity standard set forth in Section 11349.1(a)(3) of the Government Code.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Ginger Wolfe, Associate Governmental Program Analyst
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 341-7325
ginger.wolfe@bscc.ca.gov
Fax: (916) 327-3317

Or

Patricia Pechtel, General Counsel
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 445-5073
pat.pechtel@bscc.ca.gov
Fax: (916) 327-3317