

**Brief Summary* of Key Provisions
in Assembly Bills 109 & 117:
2011 Public Safety Realignment
Effective October 1, 2011**

State Jurisdiction

Offenders sentenced to state prison defined:

- Prior or current serious convictions pursuant to Penal Code Section 1192.7(c) or 1192.8
- Prior or current violent convictions pursuant to Penal Code Section 667.5 (c)
- Prior or current convictions requiring registration as a sex offender pursuant to Penal Code Section 290.
- Includes approximately 60 other specified crimes (exclusions from “low-level” definition) will still require terms in state prison

State parole shall only consist of offenders who meet any or a combination of the following criteria:

- Current serious convictions pursuant to Penal Code Section 1192.7(c) or 1192.8
- Current violent convictions pursuant to Penal Code Section 667.5(c)
- High Risk Sex Offenders
- Sexually Violent Predators
- Mentally Disordered Offenders
- Lifers/Third Strikers

Offenders currently on state parole:

- The California Department of Corrections will continue to have jurisdiction over all offenders on state parole prior to October 1, 2011.

Local Jurisdiction

Local Custody:

- Defines local custody for offenders who have never been convicted of a violent, serious, or sex offense
- Revises the definition of felony to include specified lower-level crimes that would be punishable in jail or another local sentencing option for more than one year.
- Maintains length of sentences.
- Enhanced local custody and supervision tools
 - Alternative custody tools for county jails (electronic monitoring, flash incarceration)
 - Home detention for low-level offenders
 - Local jail credits mirror current prison credits (day-for-day)

Local Supervision (Post Release Community Supervision):

- 3rd strikers/Lifers
- Individuals with a current serious commitment offense
- Individuals with a current violent commitment offense

- High Risk Sex Offenders as defined by the California Department of Corrections and Rehabilitation
- Mentally Disordered Offenders
- Sexually Violent Predators
- County Board of Supervisors designates a county agency to be responsible for Post Release Community Supervision
- The California Department of Corrections and Rehabilitation has no jurisdiction over any person who is under Post Release Community Supervision.
- No person shall be returned to prison on a parole violation except for offenders sentenced to a term of life.

Contracting With the State

- Counties permitted to contract back with the state to send local offenders to state prison.
- Authorizes counties to contract with public community correctional facilities (CCFs).
- Contracting back *does not* extend to parole revocations.

Revocation and Discharge for Parolees and Post Release Community Offenders

- Authorizes discharge for individuals on Post-Release Community Supervision who have no violations for six months, and all non serious, non violent, non sex offenders CURRENTLY on state parole.
- Prospectively, the parole revocation and discharge process continues under Board of Parole Hearings (BPH) until July 1, 2013, at which point it will transition to the county courts.
- Revocations will be served in county jail, and will not exceed 180 days, with automatic day for day credit for both parolees and Post Release Community Supervision Offenders.
- Contracting back to the state for revocations is not an option.
- Only persons previously sentenced to a term of life can be revoked to state prison.

Local planning process

- Expands role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code §1230
- Requires CCP to develop and recommend to the Board of Supervisors an implementation plan for 2011 public safety realignment
- Creates an Executive Committee from the CCP members comprised of:
 - Chief probation officer
 - Chief of police
 - Sheriff
 - District Attorney
 - Public Defender

- Presiding judge of the superior court (or his or her designee)
- A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs as appointed by the County Board of Supervisors
- The plan is deemed accepted by the County Board of Supervisors unless the Board rejects the plan by a vote of four-fifths of the board.

Timeframe

- All provisions are *prospective* and applied on October 1, 2011
- AB 118 provides the statutory framework, allocation methodology and revenue to implement public safety realignment
- No state prison inmates will be transferred to county jails as a result of this legislation.