



Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY HALL
455 North Rexford Drive
4th Floor Conference Room A
Beverly Hills, CA 90210

Tuesday, November 26, 2019
4:00 PM

AGENDA

A. Oral Communications

1. Public Comment

Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

B. Direction

1. Review the City of Beverly Hills' Proposed 2020 Legislative Platform

Comment: This item seeks direction on proceeding with the Legislative Platform. The Committee will be provided an opportunity to make modifications to the proposed 2020 Legislative Platform.

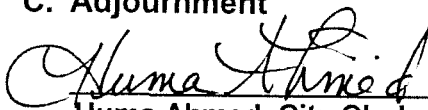
2. Request Direction on California Proposition - California Criminal Sentencing, Parole, and DNA Collection Initiative (2020), formerly known as the Keeping California Safe Act of 2018

Comment: This item provides an overview of the California Criminal Sentencing, Parole, and DNA Collection Initiative (2020), formerly known as the Keeping California Safe Act of 2018 and provides an opportunity for the Committee to provide direction to staff on this Initiative.

3. State and Federal Legislative Updates

Comment: The City's state and federal lobbyist will provide a verbal update to the Liaisons on state and federal issues.

C. Adjournment



Huma Ahmed, City Clerk

Posted: November 22, 2019

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE LIBRARY AND CITY CLERK'S OFFICE.



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Item B-1



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Policy and Management Analyst

DATE: November 26, 2019

SUBJECT: Review the City of Beverly Hills' Proposed 2020 Legislative Platform

ATTACHMENT:

1. 2020 Legislative Platform – Markup
2. 2020 Legislative Platform – Clean

INTRODUCTION

Each year, the City establishes a Legislative Platform, which embodies key legislative themes and priorities for the upcoming year. The Legislative Platform provides direction for our legislative advocates and City staff as they work to secure clear and strategic initiatives locally as well as in Sacramento and Washington, D.C.

DISCUSSION

The objective of the Legislative Platform is to outline the City's position on legislative matters and serve as the foundation for the City to support or oppose various local, state and federal legislation. This Platform seeks to not only secure critical resources for our City, but also outlines policy statements that will allow City staff and our legislative lobbyists to more effectively respond to and influence legislation at the local, state and federal level. This Platform is meant to be an evolving document that will be amended from year to year by City Council.

The legislative priorities were established to encompass the objectives of the City Council and the interests of the City of Beverly Hills. This year a new section was added to the Legislative Platform titled "*Mental Health Funding, Homelessness, and At-Risk Youth*".

The Legislative Platform priorities are arranged by category and significance as listed below:

- | | |
|---|--------------------------------------|
| 1. Local Control | 8. Transportation |
| 2. Pension Reform | 9. Environmental Sustainability |
| 3. Fiscal and Administrative Initiatives | 10. Community Services |
| 4. Electoral Process | 11. Public Health |
| 5. Public Safety | 12. General Government |
| 6. Emergency Preparedness and Homeland Security | 13. Public Works – Solid Waste |
| 7. Housing and Land Use | 13. Public Works – Stormwater |
| 8. Mental Health Funding, Homelessness, and At-Risk Youth | 14. Public Works – Water & Utilities |

The City's Executive Team reviewed the current Legislative Platform and requested changes. In total, there were 32 changes, deletions, and/or additions to the document. In general, the deleted statements were either duplicative or similar to other statements in the Legislative Platform. Additionally, some items were rearranged in order to group similar statements together.

A few of the additions and/or modifications include:

- Oppose state legislation and state guidelines issued by the Bureau of Cannabis Control that override the intent of Proposition 64 to preserve local control over the sale and distribution of cannabis.
- Oppose legislation with mandates for local agency adherence to operations and programs that may not be reimbursable by State budget funds (e.g. unfunded state mandates).
- Oppose legislation that would challenge the use of force standards which are enshrined by federal and state statute and Case Law (e.g. Graham v. Connor, Tennessee v. Garner, etc.).
- Support the Reducing Crime and Keeping California Safe Act 2020 and continue to raise awareness regarding the deficiencies of Proposition 47 and Proposition 57 as well as work to gain support for the fixes contained within November 2020 initiative.
- Continue to support new initiatives regarding rent control legislation at the state level.
- Support legislation that expands the treatment of and response to mentally ill persons and inform the Legislature and Governor on the effective mental and behavioral health practices currently being used by law enforcement in California.
- Oppose legislation that makes it more difficult for community-choice aggregators to implement a successful community choice aggregation program.

RECOMMENDATION

Staff recommends the Legislative/Lobby Liaison Committee provide direction on proceeding with the Legislative Platform. Staff can make modifications to the Legislative Platform as directed by the Liaisons and place it on the City Council agenda for the December 17, 2019 Study Session for review by the City Council. The Legislative Platform would then be scheduled for adoption at the Thursday, January 9, 2020, Formal Session Meeting.

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Attachment 1

**CITY OF BEVERLY HILLS
LEGISLATIVE ADVOCACY PLATFORM**

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202018 LEGISLATIVE SESSION

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City of Beverly Hills
STATE AND FEDERAL LEGISLATIVE PLATFORM

Platform Overview

The purpose of the legislative platform is to provide a means for summarizing the City's core legislative principles for the purpose of advocacy efforts at the regional, state and federal level. The Legislative Platform contains broad policy statements pertaining to a variety of issues that impact the City of Beverly Hills.

The legislative platform sets forth the City's legislative objectives for the ~~2020~~²⁰¹⁸ legislative session and provides direction for our legislative advocates as they work to secure clear and strategic initiatives in Sacramento and Washington, D.C. Approval of the legislative platform also streamlines the City's process and allows the City's Executive team to effectively respond and take immediate action on pressing legislation under City Council direction.

The policies established within the platform do not preclude City Council consideration of additional legislative matters arising throughout the year that may be brought forward for City Council action as presented to the City Council Legislative/Lobby Liaison Committee.

The City's primary legislative focus includes protecting local government control, maintaining local government revenue, pursuing homeland security funding, obtaining funding for environmental sustainability, transportation, recreational, technology and infrastructure improvements.

Local Control

- Support legislation that preserves local control.
- Support legislation that protects local control over urban planning.
- Oppose state legislation that supersedes a jurisdiction's adopted zoning ordinances.
- Support a state constitutional amendment to protect local discretionary authority whereby legislative oversight remains at the lowest level of the appropriate governing body while encouraging regional cooperation. For example, zoning authority would remain with a city whereas air quality, etc. would remain at the regional or state level.
- Support legislation that enhances local control of resources and that allows the City of Beverly Hills to address the needs of local constituents within a framework of regional cooperation.
- Support legislation that encourages the use of federal and state incentives for local government action rather than mandates.
- Oppose preemption of the City of Beverly Hills' local authority whether by state or federal legislation or ballot propositions.

- In general, oppose any county, state or federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Support measures increasing local autonomy, protecting privacy and maintaining local authority over public records. This includes measures that provide for the recovery of costs with regard to public records requests.
- Support transparent government and the purpose of the California Public Records Act while simultaneously observing and protecting the current Rule of Law in California including better legislation in regards to protecting the privacy of public records and enhancing laws related to digital records.
- Support legislation that preserves local control of short term rentals and online hotel intermediaries such as Airbnb.
- Oppose state legislation and state guidelines issued by the Bureau of Cannabis Control that override the intent of Proposition 64 to preserve local control over the sale and distribution of cannabis.

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Pension Reform

- Monitor, encourage, and lobby for legislative initiatives designed to achieve public employee pension reform.
- Inform the City Council of future legislative bills, statewide initiatives or other options as they emerge in regards to pension reform.
- Continue to support, where necessary and applicable, any future efforts that may impact the City of Beverly Hills ability to achieve and/or maintain sustainable pensions.
- Support the California League of Cities (“League”) efforts on pension reform based on the report provided at the League’s City Manager’s Department Meeting February 2018 meeting.

Fiscal and Administrative Initiatives

- Support fiscal sustainability and “best practices” administrative initiatives to ensure the delivery of superlative city services.
- Monitor initiatives which seek changes in fiscal relationships at the local, state and federal level.
- Support legislation that guarantees ongoing revenue sources for local government.
- Pursue funding opportunities for public facilities and services including capital improvement projects, public works projects, homeland security, library, parks and social service facilities.
- Oppose any legislation that would undermine voter-approved initiatives to guarantee ongoing revenue sources for the City of Beverly Hills.
- Oppose legislation that would preempt the City’s authority over local taxes and fees.
- Protect the City’s right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.

- Oppose any federal or state legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting (retroactively or otherwise) Transient Occupancy Taxes.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) program.
- Oppose the reduction to Department of Homeland Security, Federal Emergency Grants.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.
- Engage in and advocate for legislation or ballot measures to prevent the state from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.).
- Continue to promote increased flexibility for the utilization of municipally generated revenues.
- Support California League of Cities legislative efforts for pension reform and other post-employment benefits (**OPEB**) unfunded liability.
- Oppose legislation that triggers cost implications pertaining to “public works” projects.
- Support legislation for long-term funding solutions for Peace Officer Standards and Training (POST).
- Support legislation which offers financial opportunities for reimbursement to local jurisdictions in order to supplement increased custodial and supervision costs resulting from prison realignment.
- Oppose legislation with mandates for local agency adherence to operations and programs that may not be reimbursable by State budget funds (e.g. unfunded state mandates).

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Electoral Process

- Monitor legislative or other initiatives which may address the integrity of the electoral process.
- Encourage safeguards ensuring that all eligible voters are provided with the mechanisms to exercise the right to vote.
- Support initiatives which promote government transparency regarding the election process.
- Support legislation that provides a mechanism to ensure non-eligible voters are unable to vote in an election.

Public Safety

- Support the development and use of new firefighting technology in order to produce higher levels of health and safety for the Beverly Hills Fire Department.
- Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.
- Support legislation that amends the Centers for Medicare & Medicaid Services (CMS) regulation 42 CFR 410.40 Coverage of Ambulance Services (e) to allow

Medicare reimbursement for beneficiaries not transported to the emergency department by the Beverly Hills Fire Department. This would include:

- Allowing CMS to provide a benefit to local jurisdictions for 'dry runs'
- Allowing CMS to provide a benefit for treatment in the field apart from transport, including reimbursement for mid-level practitioners, such as nurse practitioners, as many jurisdictions are moving towards a model of staffing Emergency Medical Services with a higher level of medical care.
- Oppose legislation or other administrative actions that seek to limit the Beverly Hills Police Department's ability to collect and utilize asset forfeiture funds for a wide variety of police services.
- Support legislation that provides frontline funding to the Beverly Hills Police Department for costs associated with the early release of state prisoners as a result of state-mandated criminal justice realignment provisions.
 - Identify opportunities for reimbursements to Beverly Hills for increased custodial and supervision costs resulting from prison realignment.
- Support legislation to increase funding to ensure responsible supervision by parole agents and for local agencies that provide post-release community supervision.
- ~~Support the development and use of new firefighting technology in order to produce higher levels of health and safety for the Beverly Hills Fire Department.~~
- Advocate for legislation/funding that would take advantage of current technology to prevent crime in Beverly Hills (i.e. - the ability to use surveillance cameras and automatic license plate recognition technology).
- Support the deployment of new and emerging investigation technology, including unmanned aircraft, and the development of local policies that provides the tools to save abducted children; collect DNA, prevent the exploitation of children and vulnerable adults; and prosecute those who violate the rights of any person.
- Support the deployment and research of new and emerging technologies that will provide the Beverly Hills Police Department with tools to provide the highest level of service including:
 - Next Generation 911
 - Mobile and Body Worn Cameras
 - New Generation Investigative Technology - including unmanned aircraft
 - Digital Evidence - support funding for local jurisdictions to collect, store and retain digital evidence.
- Support the development and deployment of enhanced 911 services to allow first responders the ability to respond quickly to the needs of the people of California.
- Support legislation and seek funding that will assist in preventing and reducing crimes in Beverly Hills, primarily related to property crimes, cyber-crime, drugs, gang violence, mental illness, and pedestrian safety.

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- ~~• Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.~~
- Seek grants and pilot project/demonstration project funding for public safety and emergency management programs and priorities.
- Support funding initiatives for Peace Officers Standards and Training (POST) and other law enforcement support organizations.
- Support and encourage legislation and budget negotiations that retain funding the Beverly Hills Police Department that includes behavioral health treatment, drug and trafficking taskforces; crisis intervention teams; and adequate patrol staffing.
- ~~• Identify opportunities for reimbursements to Beverly Hills for increased custodial and supervision costs resulting from prison realignment.~~
- Support funding for the increased demand being placed on Beverly Hills to respond to societal issues including homelessness; substance abuse and dependency; and unpredictable and potentially harmful behavior towards the public and peace officers.
- Support a more effective and relevant reporting of local agency data, and ensure that any disclosed data be fair and well as balanced and protects the safety of officers and the public they serve.
- Support efforts to engage with the Legislature and Governor on the extreme need for local funding to collect, store and retain large amounts of digital evidence.
- Support legislation that allows local control on the deployment of body cameras and using facial recognition software.
- Support efforts for cannabis enforcement that encourages state licensing entities to streamline enforcement relationships between the state and local jurisdictions. This includes improving existing systems in order to share information, providing additional funding for local law enforcement, and strengthening enforcement capabilities within the Bureau of Cannabis Control, equitable.
- ~~• Support legislation that amends the Centers for Medicare & Medicaid Services (CMS) regulation 42 CFR 410.40 Coverage of Ambulance Services (e) to allow Medicare reimbursement for beneficiaries not transported to the emergency department by the Beverly Hills Fire Department. This would include:

 - ~~— Allowing CMS to provide a benefit to local jurisdictions for 'dry runs'~~
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Emergency Management and Homeland Security

- Support strategies, legislation and funding that promotes emergency preparedness, resiliency and recovery efforts.
- Support efforts to continue regional interoperability advocacy and expansion efforts through ongoing participation with the ICI System Authority.

- Support legislation that enhances and further develops the regional ICI System Authority's interoperable communications platform through the continued funding of strategic technical and operational improvements.
- Support interoperable communication solutions that meet radio spectrum needs of first responders.
- ~~Advocate for I.C.I. System (Interagency Communications Interoperability System) participation among jurisdictions and funding for equipment and operations.~~
- Support funding opportunities for local homeland security, public safety and emergency management programs including new technology and equipment (e.g., closed circuit television) that does not supplant other City funding, services or operations.
- Seek grants and pilot project/demonstration project funding for City homeland security, public safety and emergency management priorities.
- Support federal funding for the deployment and long-term sustainment of the Biowatch and other monitoring programs in Beverly Hills.
- Support funding for a cost effective public seismic early warning system and other emergency notification systems.
- Support legislation that ensures funding for disaster relief for all types of natural and manmade disasters.
- Support federal or state legislation and funding that improves building resiliency and recovery efforts after a seismic event.

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Housing and Land Use

- Pursue incentive-based housing legislation to encourage expanding the housing supply in our area including more flexibility for local jurisdictions to work together to provide housing that counts toward Regional Housing Needs Assessment (RHNA) requirements.
- Support federal and state funding for affordable senior housing opportunities and projects.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government's control over land use, planning and zoning matters.
- Emphasize local control related to land use planning.
- Support and pursue the repeal of state laws that affect local control on housing and land use.
- Continue to support new initiatives regarding rent control legislation at the state level.

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Mental Health Funding, Homelessness, and At-Risk Youth

- Support additional funding for homeless and mental health outreach teams, as well as for programs targeting at-risk youth.
- Support legislation that expands the treatment of and response to mentally ill persons and inform the Legislature and Governor on the effective mental and

Environmental Sustainability

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, climate change, potable water, wastewater, solid waste removal and storm water, among others.
- Support state funding opportunities to assist agencies in meeting sustainability objectives including energy and water efficiencies, active transportation enhancements, connectivity and mobility improvements and carbon sequestration through natural landscape management and protection.
- Support legislation protecting, preserving and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships among the City, Beverly Hills Unified School District, businesses, residents, and all other community stakeholders as necessary to achieve a sustainable community.
- Support legislation to combat climate change and improve air quality.
- Support funding to foster an environmentally sustainable city, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.
- Support legislation and funding for the Metropolitan Transportation Agency (MTA) and other regional transit authorities to continue to create multi-modal transportation systems that minimizes pollution and reduces motor vehicle congestion while ensuring access and mobility for all.
- Oppose legislation that will expand or create new opportunities for off shore oil drilling.

Community Services

- Support legislation related to the Internet and filtering in public facilities.
- Support funding for literacy and English-as-a-second language programs.
- Support protection against censorship and oppose restriction of free speech.
- Support funding for ADA facility and park upgrades.
- ~~Promote legislation that provides for increased services to or funding for at risk populations such as the frail elderly, homeless, disabled and other challenged populations.~~
- Support legislation that provides opportunities for healthy “aging in place” (aging in one’s own home) options.
- ~~Support funding and policy initiatives that support mental health care (e.g., access to psychiatric facilities, behavioral health care treatment, and street-based services).~~
- ~~Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City’s homeless population.~~
- Where reasonable, support public investment in parks, open space and recreation.
- In general, support efforts to provide funding for the rehabilitation, development and capital improvements for local park improvements.

behavioral health practices currently being used by law enforcement in California.

- Promote legislation that provides for increased services to or funding for at-risk populations such as the frail elderly, homeless, disabled and other challenged populations.
- Support funding and policy initiatives that support mental health care (e.g., access to psychiatric facilities, behavioral health care treatment, and street-based services).
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Transportation

- Support state and federal legislation that enhances the safety of the City's streets for automobile and pedestrian traffic, including issues related to photo speed radar enforcement, traffic congestion reduction programs and regional transportation improvements.
- Promote funding, policy goals and visibility for the development of autonomous vehicles.
- Support regional, state and federal efforts for the development of compatible autonomous vehicle infrastructure.
- Support measures and discretionary grant programs that provide funding for critical transportation infrastructure projects that improve mobility for residents and visitors in and around Beverly Hills.
- Support legislation that expands transportation planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit, alternative fuel vehicles and fleets, pedestrian ways, bikeways, multi-use trails and parking.
- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.
- Support legislation that would discourage the misuse of disabled placards.
- Work with other agencies in the region to support current state and federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with the Westside Cities Council of Governments (WSCOG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.
- Support local, regional, state and federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in Beverly Hills, allowing for better traffic flow and pedestrian safety.
- Support increased state and federal resources to mitigate traffic congestion on the City of Beverly Hills' streets and rebuild and maintain roads.

Public Health

- Continue to promote legislation that enhances the health and safety of the general population, with an emphasis on programs that focus on youth, the elderly and at-risk populations.
- Monitor opportunities to expand the City's ordinances to regulate smoking to other communities or through state legislation.
- Support legislation that will increase funding for mental health at the local level in order to address mental health issues and the impact those with mental health issues have on Beverly Hills.
- Support legislation that provides funding to expand the treatment of, and response to, mentally ill persons and the growing issues associated with the mentally ill.
- Support legislation that would provide direct funding and alternative avenues of healthcare to local first response agencies to adequately address behavioral and mental health issues.
- Support legislation to maintain or increase funding for the provision of mental health services and to establish programs to assist jurisdictions with helping those individuals who may have mental health issues.
- Support legislative efforts to regulate the smoking of any substance at multi-family complexes.
- Oppose legislation that would reduce or eliminate funding allocations for the Prevention and Public Health Fund.
- Support the Personal Health Investment Today Act (PHIT) introduced in March 2017 in Congress.
- Support access opportunities for all Californians for physical activity, proper nutrition and healthy lifestyle options through the promotion of active transportation, complete street implementation, healthy foods, youth programming and maximizing the usage of green space.
- Support legislation that will actively support and provide funding for vaccinations.

General Government

- Support legislation that reinstates net neutrality.
- Support legislation that preserves the ability of local governments to provide broadband capability and services to its residents.
- Support legislation that would prohibit the flying of helicopters, unmanned aircraft or other aircraft at low altitudes over residential neighbors excluding police, fire or other public safety aircraft.
- Support efforts to increase state resources for local arts, cultural events and library programs, including performing and visual arts programs.
- Support legislation that encourages policies and programming that promote healthy lifestyles; e.g. physical activity, preventative screenings, healthful eating and core wellness for people of all ages and abilities.
- Support legislation that would establish state wide regulations prohibiting the use of unmanned aircraft to record or transmit any visual audio recording of any

person or private real property in which the subject person or owner of property has a reasonable expectation of privacy.

Public Works – Solid Waste

- Support funding for new infrastructure related to the passage of AB 1826 – Mandatory Commercial Organics Recycling and SB 1383 – Short-Lived Climate Pollutants: Methane Emissions.
- Support legislation that incentivizes corporations to recycle in the United States rather than sending recyclables overseas.
- Support legislation that incentivizes manufacturers to produce recyclable products.
- Support legislation that requires manufactures to be responsible for the end of life of non-recyclable products.

Public Works - Stormwater

- Support state and county efforts to develop avenues for agencies to collect revenue to support stormwater retention efforts.
- Support legislation that would classify stormwater as a utility similar to water, wastewater and solid waste services.
- Support legislation for funding stormwater infrastructure improvements, including building facilities to capture stormwater runoff and integrate with local, regional and statewide water resources.
- Support legislation that would provide pragmatic compliance goals in statewide and regional National Pollutant Discharge Elimination System (NPDES) permits.
- Ensure the state continues to fund the California Department of Transportation (Cal Trans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Cal Trans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund stormwater capture and retention projects.
- Ensure that the State (State Water Resources Control Board) continues to provide Cal Trans Stormwater a Compliance Based Credit System that includes compliance based on using funds to support stormwater projects that would meet statewide TMDLs.

Public Works – Water & Utilities

- Support California Water Fix as it will assist with protecting the water supply for Beverly Hills.
- Support projects and legislation that protect the City's ability to receive water from the Bay Delta and the State Water Project.
- Support measures that uphold the ability of the City of Beverly Hills City Council to regulate and manage their publicly owned water utility so that local authority is not eroded by state or federal agencies, authorities, or other regulatory bodies.
- Oppose legislation that adds requirements to provide services that customers do not value, want, or need.

- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support, and credit the role of water conservation and water use efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights unless otherwise contraindicated.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability, unless otherwise contraindicated.
- Support efforts that seek to bring federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost effective water conservation programs and incentives that are funded by the state or federal government.
- Support flexible funding options that will help Beverly Hills upgrade and replace water and wastewater infrastructure.
- Support legislation for state funding for the development of local water supply and water conservation efforts.
- Support legislation that provides the City of Beverly Hills the flexibility to implement a community choice aggregation program for the purchase of renewable electricity and oppose legislation that would place overly strict requirements on the establishment of, and activities by, community choice aggregators.
- Oppose legislation that makes it more difficult for community-choice aggregators to implement a successful community choice aggregation program~~begin operation~~.
- Support legislation that ensures equitable cost-sharing between investor-owned utilities and community choice aggregation for stranded costs.
- Support funding and legislation for water recycling projects.

Revised ~~June 2018~~ December 2019

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Attachment 2

**CITY OF BEVERLY HILLS
LEGISLATIVE ADVOCACY PLATFORM**



2020 LEGISLATIVE SESSION

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City of Beverly Hills
STATE AND FEDERAL LEGISLATIVE PLATFORM

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Local Control

- Support legislation that preserves local control.
- Support legislation that protects local control over urban planning.
- Oppose state legislation that supersedes a jurisdiction's adopted zoning ordinances.
- Support a state constitutional amendment to protect local discretionary authority whereby legislative oversight remains at the lowest level of the appropriate governing body while encouraging regional cooperation. For example, zoning authority would remain with a city whereas air quality, etc. would remain at the regional or state level.
- Support legislation that enhances local control of resources and that allows the City of Beverly Hills to address the needs of local constituents within a framework of regional cooperation.
- Support legislation that encourages the use of federal and state incentives for local government action rather than mandates.
- Oppose preemption of the City of Beverly Hills' local authority whether by state or federal legislation or ballot propositions.

- In general, oppose any county, state or federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Support measures increasing local autonomy, protecting privacy and maintaining local authority over public records. This includes measures that provide for the recovery of costs with regard to public records requests.
- Support transparent government and the purpose of the California Public Records Act while simultaneously observing and protecting the current Rule of Law in California including better legislation in regards to protecting the privacy of public records and enhancing laws related to digital records.
- Support legislation that preserves local control of short term rentals and online hotel intermediaries such as Airbnb.
- Oppose state legislation and state guidelines issued by the Bureau of Cannabis Control that override the intent of Proposition 64 to preserve local control over the sale and distribution of cannabis.

Pension Reform

- Monitor, encourage, and lobby for legislative initiatives designed to achieve public employee pension reform.
- Inform the City Council of future legislative bills, statewide initiatives or other options as they emerge in regards to pension reform.
- Continue to support, where necessary and applicable, any future efforts that may impact the City of Beverly Hills ability to achieve and/or maintain sustainable pensions.
- Support the California League of Cities (“League”) efforts on pension reform based on the report provided at the League’s City Manager’s Department Meeting February 2018 meeting.

Fiscal and Administrative Initiatives

- Support fiscal sustainability and “best practices” administrative initiatives to ensure the delivery of superlative city services.
- Monitor initiatives which seek changes in fiscal relationships at the local, state and federal level.
- Support legislation that guarantees ongoing revenue sources for local government.
- Pursue funding opportunities for public facilities and services including capital improvement projects, public works projects, homeland security, library, parks and social service facilities.
- Oppose any legislation that would undermine voter-approved initiatives to guarantee ongoing revenue sources for the City of Beverly Hills.
- Oppose legislation that would preempt the City’s authority over local taxes and fees.
- Protect the City’s right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.

- Oppose any federal or state legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting (retroactively or otherwise) Transient Occupancy Taxes.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) program.
- Oppose the reduction to Department of Homeland Security, Federal Emergency Grants.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.
- Engage in and advocate for legislation or ballot measures to prevent the state from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.).
- Continue to promote increased flexibility for the utilization of municipally generated revenues.
- Support California League of Cities legislative efforts for pension reform and other post-employment benefits (**OPEB**) unfunded liability.
- Oppose legislation that triggers cost implications pertaining to “public works” projects.
- Support legislation for long-term funding solutions for Peace Officer Standards and Training (POST).
- Support legislation which offers financial opportunities for reimbursement to local jurisdictions in order to supplement increased custodial and supervision costs resulting from prison realignment.
- Oppose legislation with mandates for local agency adherence to operations and programs that may not be reimbursable by State budget funds (e.g. unfunded state mandates).

Electoral Process

- Monitor legislative or other initiatives which may address the integrity of the electoral process.
- Encourage safeguards ensuring that all eligible voters are provided with the mechanisms to exercise the right to vote.
- Support initiatives which promote government transparency regarding the election process.
- Support legislation that provides a mechanism to ensure non-eligible voters are unable to vote in an election.

Public Safety

- Support the development and use of new firefighting technology in order to produce higher levels of health and safety for the Beverly Hills Fire Department.
- Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.
- Support legislation that amends the Centers for Medicare & Medicaid Services (CMS) regulation *42 CFR 410.40 Coverage of Ambulance Services (e)* to allow

Medicare reimbursement for beneficiaries not transported to the emergency department by the Beverly Hills Fire Department. This would include:

- Allowing CMS to provide a benefit to local jurisdictions for 'dry runs'
- Allowing CMS to provide a benefit for treatment in the field apart from transport, including reimbursement for mid-level practitioners, such as nurse practitioners, as many jurisdictions are moving towards a model of staffing Emergency Medical Services with a higher level of medical care.
- Oppose legislation or other administrative actions that seek to limit the Beverly Hills Police Department's ability to collect and utilize asset forfeiture funds for a wide variety of police services.
- Support legislation that provides frontline funding to the Beverly Hills Police Department for costs associated with the early release of state prisoners as a result of state-mandated criminal justice realignment provisions.
 - Identify opportunities for reimbursements to Beverly Hills for increased custodial and supervision costs resulting from prison realignment.
- Support legislation to increase funding to ensure responsible supervision by parole agents and for local agencies that provide post-release community supervision.
- Advocate for legislation/funding that would take advantage of current technology to prevent crime in Beverly Hills (i.e. - the ability to use surveillance cameras and automatic license plate recognition technology).
- Support the deployment of new and emerging investigation technology, including unmanned aircraft, and the development of local policies that provides the tools to save abducted children; collect DNA, prevent the exploitation of children and vulnerable adults; and prosecute those who violate the rights of any person.
- Support the deployment and research of new and emerging technologies that will provide the Beverly Hills Police Department with tools to provide the highest level of service including:
 - Next Generation 911
 - Mobile and Body Worn Cameras
 - New Generation Investigative Technology - including unmanned aircraft
 - Digital Evidence - support funding for local jurisdictions to collect, store and retain digital evidence.
- Support the development and deployment of enhanced 911 services to allow first responders the ability to respond quickly to the needs of the people of California.
- Support legislation and seek funding that will assist in preventing and reducing crimes in Beverly Hills, primarily related to property crimes, cyber-crime, drugs, gang violence, mental illness, and pedestrian safety.
- Support evidence-based studies that seek to improve law enforcement tactics and non-lethal force options that ensure both the safety of the public and peace officers.
- Support efforts to work collectively with the Office of the California Attorney General to maintain transparency concerning lethal force encounters while concurrently retaining local control of investigations of such incidents.

- Oppose legislation that would challenge the use of force standards which are enshrined by federal and state statute and Case Law (e.g. *Graham v. Connor*, *Tennessee v. Garner*, etc.).
- Oppose any efforts to further decriminalize existing crimes in California or lessen the sentences of any offenses that would result in the release of serious criminals who would further harm the safety of the public and law enforcement personnel.
- Oppose legislation that would expand the definition of early release, non-serious crimes, and non-violent crimes.
- Oppose legislation to expand “early release” for low-risk, serious and violent offenders.
- Support the Reducing Crime and Keeping California Safe Act 2020 and continue to raise awareness regarding the deficiencies of Proposition 47 and Proposition 57 as well as work to gain support for the fixes contained within November 2020 initiative.
- Support efforts to reverse all legislation, including AB 109, that created “early release” for low-risk, serious and violent offenders.
- Oppose legislation that decriminalizes repeated substance use as well as inform and engage the Legislature and Governor on the public safety impacts of medicinal and recreational cannabis legalization in California.
- Oppose legislation that would expunge or otherwise reduce sentences for the most dangerous cannabis crimes, including sales to minors, commercial drug trafficking and driving under the influence of drugs (DUID).
- Support rehabilitation, housing and employment programs for local and state prisoners.
- Support legislation that combats the growing crime of human trafficking and provide to the legislature details and figures to further understand the scope of human trafficking in California.
- Support funding initiatives for Peace Officers Standards and Training (POST) and other law enforcement support organizations.
- Support and encourage legislation and budget negotiations that retain funding the Beverly Hills Police Department that includes behavioral health treatment, drug and trafficking taskforces; crisis intervention teams; and adequate patrol staffing.
- Support funding for the increased demand being placed on Beverly Hills to respond to societal issues including homelessness; substance abuse and dependency; and unpredictable and potentially harmful behavior towards the public and peace officers.
- Support effective and relevant reporting of local agency data and ensure that any disclosed data be fair as well as balanced and protects the safety of officers and the public they serve.
- Support efforts to engage with the Legislature and Governor on the extreme need for local funding to collect, store and retain large amounts of digital evidence.
- Support legislation that allows local control on the deployment of body cameras and using facial recognition software.

- Support efforts for cannabis enforcement that encourages state licensing entities to streamline enforcement relationships between the state and local jurisdictions. This includes improving existing systems in order to share information, providing additional funding for local law enforcement, and strengthening enforcement capabilities within the Bureau of Cannabis Control.

Emergency Management and Homeland Security

- Support strategies, legislation and funding that promotes emergency preparedness, resiliency and recovery efforts.
- Support efforts to continue regional interoperability advocacy and expansion efforts through ongoing participation with the ICI System Authority.
- Support legislation that enhances and further develops the regional ICI System Authority's interoperable communications platform through the continued funding of strategic technical and operational improvements.
- Support interoperable communication solutions that meet radio spectrum needs of first responders.
- Support funding opportunities for local homeland security, public safety and emergency management programs including new technology and equipment (e.g., closed circuit television) that does not supplant other City funding, services or operations.
- Seek grants and pilot project/demonstration project funding for City homeland security, public safety and emergency management priorities.
- Support federal funding for the deployment and long-term sustainment of the Biowatch and other monitoring programs in Beverly Hills.
- Support funding for a cost effective public seismic early warning system and other emergency notification systems.
- Support legislation that ensures funding for disaster relief for all types of natural and manmade disasters.
- Support federal or state legislation and funding that improves building resiliency and recovery efforts after a seismic event.

Housing and Land Use

- Pursue incentive-based housing legislation to encourage expanding the housing supply in our area including more flexibility for local jurisdictions to work together to provide housing that counts toward Regional Housing Needs Assessment (RHNA) requirements.
- Support federal and state funding for affordable senior housing opportunities and projects.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government's control over land use, planning and zoning matters.
- Emphasize local control related to land use planning.
- Support and pursue the repeal of state laws that affect local control on housing and land use.

- Continue to support new initiatives regarding rent control legislation at the state level.

Mental Health Funding, Homelessness, and At-Risk Youth

- Support additional funding for homeless and mental health outreach teams, as well as for programs targeting at-risk youth.
- Support legislation that expands the treatment of and response to mentally ill persons and inform the Legislature and Governor on the effective mental and behavioral health practices currently being used by law enforcement in California.
- Promote legislation that provides for increased services to or funding for at-risk populations such as the frail elderly, homeless, disabled and other challenged populations.
- Support funding and policy initiatives that support mental health care (e.g., access to psychiatric facilities, behavioral health care treatment, and street-based services).
- Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City's homeless population.

Transportation

- Support state and federal legislation that enhances the safety of the City's streets for automobile and pedestrian traffic, including issues related to photo speed radar enforcement, traffic congestion reduction programs and regional transportation improvements.
- Promote funding, policy goals and visibility for the development of autonomous vehicles.
- Support regional, state and federal efforts for the development of compatible autonomous vehicle infrastructure.
- Support measures and discretionary grant programs that provide funding for critical transportation infrastructure projects that improve mobility for residents and visitors in and around Beverly Hills.
- Support legislation that expands transportation planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit, alternative fuel vehicles and fleets, pedestrian ways, bikeways, multi-use trails and parking.
- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.
- Support legislation that would discourage the misuse of disabled placards.
- Work with other agencies in the region to support current state and federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with the Westside Cities Council of Governments (WSCOG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.

- Support local, regional, state and federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in Beverly Hills, allowing for better traffic flow and pedestrian safety.
- Support increased state and federal resources to mitigate traffic congestion on the City of Beverly Hills' streets and rebuild and maintain roads.

Environmental Sustainability

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, climate change, potable water, wastewater, solid waste removal and storm water, among others.
- Support state funding opportunities to assist agencies in meeting sustainability objectives including energy and water efficiencies, active transportation enhancements, connectivity and mobility improvements and carbon sequestration through natural landscape management and protection.
- Support legislation protecting, preserving and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships among the City, Beverly Hills Unified School District, businesses, residents, and all other community stakeholders as necessary to achieve a sustainable community.
- Support legislation to combat climate change and improve air quality.
- Support funding to foster an environmentally sustainable city, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.
- Support legislation and funding for the Metropolitan Transportation Agency (MTA) and other regional transit authorities to continue to create multi-modal transportation systems that minimizes pollution and reduces motor vehicle congestion while ensuring access and mobility for all.
- Oppose legislation that will expand or create new opportunities for off shore oil drilling.

Community Services

- Support legislation related to the Internet and filtering in public facilities.
- Support funding for literacy and English-as-a-second language programs.
- Support protection against censorship and oppose restriction of free speech.
- Support funding for ADA facility and park upgrades.
- Support legislation that provides opportunities for healthy "aging in place" (aging in one's own home) options.
- Where reasonable, support public investment in parks, open space and recreation.
- In general, support efforts to provide funding for the rehabilitation, development and capital improvements for local park improvements.

Public Health

- Continue to promote legislation that enhances the health and safety of the general population, with an emphasis on programs that focus on youth, the elderly and at-risk populations.
- Monitor opportunities to expand the City's ordinances to regulate smoking to other communities or through state legislation.
- Support legislation that will increase funding for mental health at the local level in order to address mental health issues and the impact those with mental health issues have on Beverly Hills.
- Support legislation that provides funding to expand the treatment of, and response to, mentally ill persons and the growing issues associated with the mentally ill.
- Support legislation that would provide direct funding and alternative avenues of healthcare to local first response agencies to adequately address behavioral and mental health issues.
- Support legislation to maintain or increase funding for the provision of mental health services and to establish programs to assist jurisdictions with helping those individuals who may have mental health issues.
- Support legislative efforts to regulate the smoking of any substance at multi-family complexes.
- Oppose legislation that would reduce or eliminate funding allocations for the Prevention and Public Health Fund.
- Support the Personal Health Investment Today Act (PHIT) introduced in March 2017 in Congress.
- Support access opportunities for all Californians for physical activity, proper nutrition and healthy lifestyle options through the promotion of active transportation, complete street implementation, healthy foods, youth programming and maximizing the usage of green space.
- Support legislation that will actively support and provide funding for vaccinations.

General Government

- Support legislation that reinstates net neutrality.
- Support legislation that preserves the ability of local governments to provide broadband capability and services to its residents.
- Support legislation that would prohibit the flying of helicopters, unmanned aircraft or other aircraft at low altitudes over residential neighbors excluding police, fire or other public safety aircraft.
- Support efforts to increase state resources for local arts, cultural events and library programs, including performing and visual arts programs.
- Support legislation that encourages policies and programming that promote healthy lifestyles; e.g. physical activity, preventative screenings, healthful eating and core wellness for people of all ages and abilities.
- Support legislation that would establish state wide regulations prohibiting the use of unmanned aircraft to record or transmit any visual audio recording of any

person or private real property in which the subject person or owner of property has a reasonable expectation of privacy.

Public Works – Solid Waste

- Support funding for new infrastructure related to the passage of AB 1826 – Mandatory Commercial Organics Recycling and SB 1383 – Short-Lived Climate Pollutants: Methane Emissions.
- Support legislation that incentivizes corporations to recycle in the United States rather than sending recyclables overseas.
- Support legislation that incentivizes manufacturers to produce recyclable products.
- Support legislation that requires manufactures to be responsible for the end of life of non-recyclable products.

Public Works - Stormwater

- Support state and county efforts to develop avenues for agencies to collect revenue to support stormwater retention efforts.
- Support legislation that would classify stormwater as a utility similar to water, wastewater and solid waste services.
- Support legislation for funding stormwater infrastructure improvements, including building facilities to capture stormwater runoff and integrate with local, regional and statewide water resources.
- Support legislation that would provide pragmatic compliance goals in statewide and regional National Pollutant Discharge Elimination System (NPDES) permits.
- Ensure the state continues to fund the California Department of Transportation (Cal Trans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Cal Trans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund stormwater capture and retention projects.
- Ensure that the State (State Water Resources Control Board) continues to provide Cal Trans Stormwater a Compliance Based Credit System that includes compliance based on using funds to support stormwater projects that would meet statewide TMDLs.

Public Works – Water & Utilities

- Support California Water Fix as it will assist with protecting the water supply for Beverly Hills.
- Support projects and legislation that protect the City's ability to receive water from the Bay Delta and the State Water Project.
- Support measures that uphold the ability of the City of Beverly Hills City Council to regulate and manage their publicly owned water utility so that local authority is not eroded by state or federal agencies, authorities, or other regulatory bodies.
- Oppose legislation that adds requirements to provide services that customers do not value, want, or need.

- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support, and credit the role of water conservation and water use efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights unless otherwise contraindicated.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability, unless otherwise contraindicated.
- Support efforts that seek to bring federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost effective water conservation programs and incentives that are funded by the state or federal government.
- Support flexible funding options that will help Beverly Hills upgrade and replace water and wastewater infrastructure.
- Support legislation for state funding for the development of local water supply and water conservation efforts.
- Support legislation that provides the City of Beverly Hills the flexibility to implement a community choice aggregation program for the purchase of renewable electricity and oppose legislation that would place overly strict requirements on the establishment of, and activities by, community choice aggregators.
- Oppose legislation that makes it more difficult for community-choice aggregators to implement a successful community choice aggregation program.
- Support legislation that ensures equitable cost-sharing between investor-owned utilities and community choice aggregation for stranded costs.
- Support funding and legislation for water recycling projects.

Revised December 2019

Item B-2



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Policy & Management Analyst

DATE: November 26, 2019

SUBJECT: Request Direction on California Proposition - California Criminal Sentencing, Parole, and DNA Collection Initiative (2020), formerly known as the Keeping California Safe Act of 2018

ATTACHMENTS:

1. Title and Summary for the Proposition
2. April 10, 2018 Agenda Report without Attachments
3. Resolution 18-R-13178
4. Fact Sheet

INTRODUCTION

The California Criminal Sentencing, Parole, and DNA Collection Initiative (the “Act”) is a response to the unintended consequences of Proposition 47, Proposition 57 and other recent public safety reform measures. This Act will reclassify crimes that under Proposition 57 qualify as “non-violent” crimes, reinstate DNA collection misdemeanors, reform theft laws, and reform the parole system (Attachment 1).

This item is to request the City Council Liaison/Legislative/Lobby Committee Liaisons (Mayor Mirisch and Vice Mayor Friedman) provide direction to staff on actions the City can take to educate the community on this Act.

DISCUSSION

In April 2018, the City Council adopted a Resolution to support the Reducing Crime and Keeping California Safe Act of 2018 (Attachment 2 and 3). Should this Act become law, it will:

- Reclassify currently “non-violent” crimes like rape of an unconscious person, sex trafficking of a child and 14 other serious crimes as “violent” — to prevent the early release of inmates convicted of these crimes;
- Reform the parole system to stop the early release of violent felons, expand parolee oversight, and strengthen penalties for parole violations;
- Reform theft laws to restore accountability for serial thieves and organized theft gangs; and
- Expand DNA collection to include those convicted of drug, theft, domestic violence and other serious crimes to help solve rape, murder and other violent crimes — and to exonerate those wrongly accused.

Additionally, this Act will close a loophole in the state parole system that was created by AB 109. As written, AB 109 eliminated a return to prison for parole violators. This Act will require a mandatory court hearing for anyone who is charged with a third violation of parole.

Supporters for this Act include:

- Assemblymember Jim Cooper (D-9, representing portions of Sacramento and San Joaquin Counties)
- Assemblymember Vince Fong (R-34, representing the southern San Joaquin Valley including parts of Kern County and the City of Bakersfield)
- Orange County Board of Supervisors
- California Peace Officers Association
- California Police Chiefs Association
- California State Sheriffs Association
- California District Attorneys Association
- California Retailers Association
- Association for Los Angeles Deputy Sheriffs
- Los Angeles Protective League
- Peace Officers Research Association of California
- Albertsons Safeway

Opponents of the Act include:

- Former Governor Jerry Brown
- American Civil Liberties Union of Northern California

The graphic below depicts the campaign contributions raised by those that support and oppose the Act:

Total campaign contributions:	
Support:	\$3,911,533.90
Opposition:	\$309,978.31

RECOMMENDATION

After discussion of California Criminal Sentencing, Parole, and DNA Collection Initiative (2020), the Liaisons may recommend the following actions:

- 1) Direct staff to coordinate a public information plan with the City Attorney's Office so that any efforts undertaken by the City conform with election practices.
- 2) Direct staff to develop a community communications plan timeline prior to the November 2020 election.
- 3) Direct staff to bring a council resolution to support the newly titled Initiative in the summer of 2020 in order for the adoption of the resolution to occur closer to the election.

Should a course of action be recommended by the Liaisons, staff will provide an update to the City Council at a future meeting.

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Attachment 1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(17-0044.) RESTRICTS PAROLE FOR NON-VIOLENT OFFENDERS. AUTHORIZES FELONY SENTENCES FOR CERTAIN OFFENSES CURRENTLY TREATED ONLY AS MISDEMEANORS. INITIATIVE STATUTE. Imposes restrictions on parole program for non-violent offenders who have completed the full term for their primary offense. Expands list of offenses that disqualify an inmate from this parole program. Changes standards and requirements governing parole decisions under this program. Authorizes felony charges for specified theft crimes currently chargeable only as misdemeanors, including some theft crimes where the value is between \$250 and \$950. Requires persons convicted of specified misdemeanors to submit to collection of DNA samples for state database. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process. Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings. Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) referenced on the signature page of this petition, hereby propose amendments to the California Penal Code relating to parole, serial theft, and DNA collection from convicted criminals, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

SEC. 1. TITLE

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

SEC. 2. PURPOSES

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals. This measure will:

- A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision;
- B. Reform theft laws to restore accountability for serial thieves and organized theft rings; and
- C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

SEC. 3. FINDINGS AND DECLARATIONS

A. Prevent Early Release of Violent Felons

1. Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison.
2. Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI.
3. Recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders."
4. As a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.
5. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer.
6. Californians need better protection from such violent criminals.
7. Californians need better protection from felons who repeatedly violate the terms of their post release community supervision.
8. This measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations.
9. Californians need better protection from such

violent criminals. This measure reforms the law to define such crimes as "violent felonies" for purposes of early release.

10. Nothing in this act is intended to create additional "strike" offenses which would increase the state prison population.

11. Nothing in this act is intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.

B. Restore Accountability for Serial Theft and Organized Theft Rings

1. Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal.

2. As a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years.

3. Individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.

4. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms.

C. Restore DNA Collection to Solve Violent Crime

1. Collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals.

2. DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape-murder of an 83-year-old woman.

3. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses.

4. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted.

5. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

SEC. 4. PAROLE CONSIDERATION

Section 3003 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3450) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, "last legal residence" shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Parole Hearings setting the conditions of parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

- (1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
- (2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.
- (3) The verified existence of a work offer, or an educational or vocational training program.
- (4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.
- (5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e)(1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:

- (A) Last, first, and middle names.
- (B) Birth date.
- (C) Sex, race, height, weight, and hair and eye color.
- (D) Date of parole or placement on postrelease community supervision and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole or postrelease community supervision in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address proposed pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(N) Copies of the record of supervision during any prior period of parole.

(2) Unless the information is unavailable, the Department of Corrections and Rehabilitation shall electronically transmit to the county agency identified in subdivision (a) of Section 3451 the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto postrelease community supervision pursuant to Section 3450, for the purpose of identifying the medical and mental health needs of the individual. All transmissions to the county agency shall be in compliance with applicable provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the federal Health Information Technology for Clinical Health Act (HITECH) (Public Law 111-005), and the implementing of privacy and security regulations in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. This paragraph shall not take effect until the Secretary of the United States Department of Health and Human Services, or his or her designee, determines that this provision is not preempted by HIPAA.

(3) Except for the information required by paragraph (2), the information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.

(4) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(5) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

~~(f) Notwithstanding any other law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, and paragraph (16) of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on a person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need to protect the life, safety, or well-being of a victim or witness: the victim or witness, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, any of the following crimes:~~

(1) A violent felony as defined subdivision (c) of Section 667.5 or subdivision (a) of Section 3040.1.

(2) A felony in which the defendant inflicts great bodily injury on a person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9.

(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public

shall not be placed or reside, for the duration of his or her parole, within one-half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim's or witness' actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim.

If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) An inmate may be paroled to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450).

(k)(1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include all records of supervision, the issuance of warrants, revocations, or the termination of postrelease community supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease community supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

Section 3040.1 is added to the Penal Code to read:

(a) For purposes of early release or parole consideration under the authority of Section 32 of Article I of the Constitution, Sections 12838.4 and 12838.5 of the Government Code, Sections 3000.1, 3041.5, 3041.7, 3052, 5000, 5054, 5055, 5076.2 of this Code and the rulemaking authority granted by Section 5058 of this Code, the following shall be defined as "violent felony offenses":

(1) Murder or voluntary manslaughter;

(2) Mayhem;

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262;

(4) Sodomy as defined in subdivision (c) or (d) of Section 286;

(5) Oral copulation as defined in subdivision (c) or (d) of Section 288a;

(6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288;

(7) Any felony punishable by death or imprisonment in the state prison for life;

(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in

subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55;

(9) Any robbery;

(10) Arson, in violation of subdivision (a) or (b) of Section 451;

(11) Sexual penetration as defined in subdivision (a) or (j) of Section 289;

(12) Attempted murder;

(13) A violation of Section 18745, 18750, or 18755;

(14) Kidnapping;

(15) Assault with the intent to commit a specified felony, in violation of Section 220;

(16) Continuous sexual abuse of a child, in violation of Section 288.5;

(17) Carjacking, as defined in subdivision (a) of Section 215;

(18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1;

(19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22;

(20) Threats to victims or witnesses, as defined in subdivision (c) of Section 136.1;

(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;

(22) Any violation of Section 12022.53;

(23) A violation of subdivision (b) or (c) of Section 11418;

(24) Solicitation to commit murder;

(25) Felony assault with a firearm in violation of subsections (a)(2) and (b) of Section 245;

(26) Felony assault with a deadly weapon in violation of paragraph (1) of subdivision (a) of Section 245;

(27) Felony assault with a deadly weapon upon the person of a peace officer or firefighter in violation of subdivisions (c) and (d) of Section 245;

(28) Felony assault by means of force likely to produce great bodily injury in violation of paragraph (4) of subdivision (a) of Section 245;

(29) Assault with caustic chemicals in violation of Section 244;

(30) False imprisonment in violation of Section 210.5;

(31) Felony discharging a firearm in violation of Section 246;

(32) Discharge of a firearm from a motor vehicle in violation of subsection (c) of Section 26100;

(33) Felony domestic violence resulting in a traumatic condition in violation of Section 273.5;

(34) Felony use of force or threats against a witness or victim of a crime in violation of Section 140;

(35) Felony resisting a peace officer and causing death or serious injury in violation of Section 148.10;

(36) A felony hate crime punishable pursuant to Section 422.7;

(37) Felony elder or dependent adult abuse in violation of subdivision (b) of Section 368;

(38) Rape in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;

(39) Rape in violation of Section 262;

(40) Sexual penetration in violation of subdivision (b), (d) or (e) of Section 289;

(41) Sodomy in violation of subdivision (f), (g), or (i) of Section 286;

(42) Oral copulation in violation of subdivision (f), (g), or (i) of Section 288a;

(43) Abduction of a minor for purposes of prostitution in violation of Section 267;

(44) Human trafficking in violation of subdivision (a), (b), or (c) of Section 236.1;

(45) Child abuse in violation of Section 273ab;

(46) Possessing, exploding, or igniting a destructive device in violation of Section 18740;

(47) Two or more violations of subsection (c) of Section 451;

(48) Any attempt to commit an offense described in this subdivision;

(49) Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;

(50) Any offense resulting in lifetime sex offender registration pursuant to Sections 290 through 290.009.

(51) Any conspiracy to commit an offense described in this Section.

(b) The provisions of this section shall apply to any inmate serving a custodial prison sentence on or after the effective date of this section, regardless of when the sentence was imposed.

Section 3040.2 is added to the Penal Code to read:

(a) Upon conducting a nonviolent offender parole consideration review, the hearing officer for the Board of Parole

Hearings shall consider all relevant, reliable information about the inmate.

(b) The standard of review shall be whether the inmate will pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison.

(c) In reaching this determination, the hearing officer shall consider the following factors:

(1) Circumstances surrounding the current conviction;
(2) The inmate's criminal history, including involvement in other criminal conduct, both juvenile and adult, which is reliably documented;

(3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct;
(4) Any input from the inmate, any victim, whether registered or not at the time of the referral, and the prosecuting agency or agencies;

(5) The inmate's past and present mental condition as documented in records in the possession of the Department of Corrections and Rehabilitation;

(6) The inmate's past and present attitude about the crime;

(7) Any other information which bears on the inmate's suitability for release.

(d) The following circumstances shall be considered by the hearing officer in determining whether the inmate is unsuitable for release:

(1) Multiple victims involved in the current commitment offense;

(2) A victim was particularly vulnerable due to age or physical or mental condition;

(3) The inmate took advantage of a position of trust in the commission of the crime;

(4) The inmate was armed with or used a firearm or other deadly weapon in the commission of the crime;

(5) A victim suffered great bodily injury during the commission of the crime;

(6) The inmate committed the crime in association with a criminal street gang;

(7) The inmate occupied a position of leadership or dominance over other participants in the commission of the crime, or the inmate induced others to participate in the commission of the crime;

(8) During the commission of the crime, the inmate had a clear opportunity to cease but instead continued;

(9) The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which the inmate is currently committed to prison;

(10) The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime;

(11) The inmate was on probation, parole, post release community supervision, mandatory supervision or was in custody or had escaped from custody at the time of the commitment offense;

(12) The inmate was on any form of pre- or post-conviction release at the time of the commitment offense;

(13) The inmate's prior history of violence, whether as a juvenile or adult;

(14) The inmate has engaged in misconduct in prison or jail;

(15) The inmate is incarcerated for multiple cases from the same or different counties or jurisdictions.

(e) The following circumstances shall be considered by the hearing officer in determining whether the inmate is suitable for release:

(1) The inmate does not have a juvenile record of assaulting others or committing crimes with a potential of harm to victims;

(2) The inmate lacks any history of violent crime;

(3) The inmate has demonstrated remorse;

(4) The inmate's present age reduces the risk of recidivism;

(5) The inmate has made realistic plans if released or has developed marketable skills that can be put to use upon release;

(6) The inmate's institutional activities demonstrate an enhanced ability to function within the law upon release;

(7) The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense;

(8) The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission;

(9) The inmate has a minimal or no criminal history;

(10) The inmate was a passive participant or played a minor role in the commission of the crime;

(11) The crime was committed during or due to an unusual situation unlikely to reoccur.

Section 3040.3 is added to the Penal Code to read:

(a) An inmate whose current commitment includes a concurrent, consecutive or stayed sentence for an offense or allegation defined as violent by subdivision (c) of

Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.

(b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.

(c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.

(d) For purposes of Section 32 of Article I of the Constitution, the "full term" of the "primary offense" shall be calculated based only on actual days served on the commitment offense.

Section 3040.4 is added to the Penal Code to read:

Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to victims of crime prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims' family, and the general public when making a determination on early release.

(a) Prior to conducting a review for early parole, the Department shall provide notice to the prosecuting agency or agencies and to registered victims, and shall make reasonable efforts to locate and notify victims who are not registered.

(b) The prosecuting agency shall have the right to review all information available to the hearing officer including, but not limited to the inmate's central file, documented adult and juvenile criminal history, institutional behavior including both rehabilitative programming and institutional misconduct, any input from any person or organization advocating on behalf of the inmate, and any information submitted by the public.

(c) A victim shall have a right to submit a statement for purposes of early parole consideration, including a confidential statement.

(d) All prosecuting agencies, any involved law enforcement agency, and all victims, whether or not registered, shall have the right to respond to the board in writing.

(e) Responses to the Board by prosecuting agencies, law enforcement agencies, and victims must be made within 90 days of the date of notification of the inmate's eligibility for early parole review or consideration.

(f) The Board shall notify the prosecuting agencies, law enforcement agencies, and the victims of the Nonviolent Offender Parole decision within 10 days of the decision being made.

(g) Within 30 days of the notice of the final decision concerning Nonviolent Offender Parole Consideration, the inmate and the prosecuting agencies may request review of the decision.

(h) If an inmate is denied early release under the Nonviolent Offender Parole provisions of Section 32 of Article I of the Constitution, the inmate shall not be eligible for early Nonviolent Offender parole consideration for two (2) calendar years from the date of the final decision of the previous denial.

Section 3041 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a)(1) In the case of any inmate sentenced pursuant to any law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Parole Hearings shall meet with each inmate during the sixth year before the inmate's minimum eligible parole date for the purposes of reviewing and documenting the inmate's activities and conduct pertinent to parole eligibility.

During this consultation, the board shall provide the inmate information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Within 30 days following the consultation, the board shall issue its positive and negative findings and recommendations to the inmate in writing.

(2) One year before the inmate's minimum eligible parole date a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner.

(3) In the event of a tie vote, the matter shall be referred for an en banc review of the record that was before the panel that rendered the tie vote. Upon en banc review, the

board shall vote to either grant or deny parole and render a statement of decision. The en banc review shall be conducted pursuant to subdivision (e).

(4) Upon a grant of parole, the inmate shall be released subject to all applicable review periods. However, an inmate shall not be released before reaching his or her minimum eligible parole date as set pursuant to Section 3046 unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date or elderly parole eligibility date.

(5) At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole for an en banc hearing by the board. In case of a review, a majority vote in favor of parole by the board members participating in an en banc review is required to grant parole to any inmate.

(b)(1) The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. The panel or the board, sitting en banc, shall consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing.

(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting.

(c) For the purpose of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(d) It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings will be conducted by a panel of three or more members, the majority of whom shall be commissioners. The board shall report monthly on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by subdivision (a) of Section 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless the inmate has waived the right to those timeframes. That report shall be considered the backlog of cases for purposes of this section, and shall include information on the progress toward eliminating the backlog, and on the number of inmates who have waived their right to the above timeframes. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.

(e) For purposes of this section, an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. An en banc review shall be conducted in compliance with the following:

(1) The commissioners conducting the review shall consider the entire record of the hearing that resulted in the tie vote.

(2) The review shall be limited to the record of the hearing. The record shall consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments shall not be considered in the en banc proceeding.

(3) The board shall separately state reasons for its decision to grant or deny parole.

(4) A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the

en banc review.

Section 3454 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, shall establish a review process for assessing and refining a person's program of postrelease supervision. Any additional postrelease supervision conditions shall be reasonably related to the underlying offense for which the offender spent time in prison, or to the offender's risk of recidivism, and the offender's criminal history, and be otherwise consistent with law.
- (b) Each county agency responsible for postrelease supervision, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, may determine additional appropriate conditions of supervision listed in Section 3453 consistent with public safety, including the use of continuous electronic monitoring as defined in Section 1210.7, order the provision of appropriate rehabilitation and treatment services, determine appropriate incentives, and determine and order appropriate responses to alleged violations, which can include, but shall not be limited to, immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 3015, or flash incarceration in a city or county jail. Periods of flash incarceration are encouraged as one method of punishment for violations of an offender's condition of postrelease supervision.
- (c) As used in this title, "flash incarceration" is a period of detention in a city or county jail due to a violation of an offender's conditions of postrelease supervision. The length of the detention period can range between one and 10 consecutive days. Flash incarceration is a tool that may be used by each county agency responsible for postrelease supervision. Shorter, but if necessary more frequent, periods of detention for violations of an offender's postrelease supervision conditions shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer term revocations.
- (d) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

Section 3455 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a) If the supervising county agency has determined, following application of its assessment processes, that intermediate sanctions as authorized in subdivision (b) of Section 3454 are not appropriate, or if the supervised person has violated the terms of his or her release for a third time, the supervising county agency shall petition the court pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision. At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease community supervision, waive a court hearing, and accept the proposed modification of his or her postrelease community supervision. The petition shall include a written report that contains additional information regarding the petition, including the relevant terms and conditions of postrelease community supervision, the circumstances of the alleged underlying violation, the history and background of the violator, and any recommendations. The Judicial Council shall adopt forms and rules of court to establish uniform statewide procedures to implement this subdivision, including the minimum contents of supervision agency reports. Upon a finding that the person has violated the conditions of postrelease community supervision, the revocation hearing officer shall have authority to do all of the following:
- (1) Return the person to postrelease community supervision with modifications of conditions, if appropriate, including a period of incarceration in a county jail.
- (2) Revoke and terminate postrelease community supervision and order the person to confinement in a county jail.
- (3) Refer the person to a reentry court pursuant to Section 3015 or other evidence-based program in the court's discretion.
- (b) (1) At any time during the period of postrelease community supervision, if a peace officer, including a probation officer, has probable cause to believe a

person subject to postrelease community supervision is violating any term or condition of his or her release, or has failed to appear at a hearing pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision, the officer may, without a warrant or other process, arrest the person and bring him or her before the supervising county agency established by the county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer employed by the supervising county agency may seek a warrant and a court or its designated hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the authority to issue a warrant for that person's arrest.

- (2) The court or its designated hearing officer shall have the authority to issue a warrant for a person who is the subject of a petition filed under this section who has failed to appear for a hearing on the petition or for any reason in the interests of justice, or to remand to custody a person who does appear at a hearing on the petition for any reason in the interests of justice.
- (3) Unless a person subject to postrelease community supervision is otherwise serving a period of flash incarceration, whenever a person who is subject to this section is arrested, with or without a warrant or the filing of a petition for revocation, the court may order the release of the person under supervision from custody under any terms and conditions the court deems appropriate.
- (c) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition. Except as provided in paragraph (3) of subdivision (b), based upon a showing of a preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending his or her first court appearance.
- (d) Confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.
- (e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 5. DNA COLLECTION

Section 296 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter for law enforcement identification analysis:
- (1) Any person, including any juvenile, who is convicted of or pleads guilty or no contest to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.
- (2) Any adult person who is arrested for or charged with any of the following felony offenses:
- (A) Any felony offense specified in Section 290 or attempt to commit any felony offense described in Section 290, or any felony offense that imposes upon a person the duty to register in California as a sex offender under Section 290.
- (B) Murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.
- (C) Commencing on January 1, 2009, any adult person arrested or charged with any felony offense.
- (3) Any person, including any juvenile, who is required to register under Section 290 through 290.009 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.
- (4) Any person, excluding a juvenile, who is convicted of, or pleads guilty or no contest to, any of the following offenses:
- (A) A misdemeanor violation of Section 459.5;
- (B) A violation of subdivision (a) of Section 473 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 473;
- (C) A violation of subdivision (a) of Section 476a that is

punishable as a misdemeanor pursuant to subdivision (b) of Section 476a;

(D) A violation of Section 487 that is punishable as a misdemeanor pursuant to Section 490.2;

(E) A violation of Section 496 that is punishable as a misdemeanor;

(F) A misdemeanor violation of subdivision (a) of Section 11350 of the Health and Safety Code;

(G) A misdemeanor violation of subdivision (a) of Section 11377 of the Health and Safety Code;

(H) A misdemeanor violation of paragraph (1) of subdivision (e) of Section 243;

(I) A misdemeanor violation of Section 273.5;

(J) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 368;

(K) Any misdemeanor violation where the victim is defined as set forth in Section 6211 of the Family Code;

(L) A misdemeanor violation of paragraph (3) of subdivision (b) of Section 647.

~~(4)(5)~~ The term "felony" as used in this subdivision includes an attempt to commit the offense.

~~(5)(6)~~ Nothing in this chapter shall be construed as prohibiting collection and analysis of specimens, samples, or print impressions as a condition of a plea for a non-qualifying offense.

(b) The provisions of this chapter and its requirements for submission of specimens, samples and print impressions as soon as administratively practicable shall apply to all qualifying persons regardless of sentence imposed, including any sentence of death, life without the possibility of parole, or any life or indeterminate term, or any other disposition rendered in the case of an adult or juvenile tried as an adult, or whether the person is diverted, fined, or referred for evaluation, and regardless of disposition rendered or placement made in the case of juvenile who is found to have committed any felony offense or is adjudicated under Section 602 of the Welfare and Institutions Code.

(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of placement or confinement in any mental hospital or other public or private treatment facility, and shall include, but not be limited to, the following persons, including juveniles:

(1) Any person committed to a state hospital or other treatment facility as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(2) Any person who has a severe mental disorder as set forth within the provisions of Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

(3) Any person found to be a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(d) The provisions of this chapter are mandatory and apply whether or not the court advises a person, including any juvenile, that he or she must provide the data bank and database specimens, samples, and print impressions as a condition of probation, parole, or any plea of guilty, no contest, or not guilty by reason of insanity, or any admission to any of the offenses described in subdivision (a).

(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, and print impressions required by this chapter have not already been taken from any person, as defined under subdivision (a) of Section 296, the prosecuting attorney shall notify the court orally on the record, or in writing, and request that the court order collection of the specimens, samples, and print impressions required by law. However, a failure by the prosecuting attorney or any other law enforcement agency to notify the court shall not relieve a person of the obligation to provide specimens, samples, and print impressions pursuant to this chapter.

(f) Prior to final disposition or sentencing in the case the court shall inquire and verify that the specimens, samples, and print impressions required by this chapter have been obtained and that this fact is included in the abstract of judgment or dispositional order in the case of a juvenile. The abstract of judgment issued by the court shall indicate that the court has ordered the person to comply with the requirements of this chapter and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to this chapter.

However, failure by the court to verify specimen, sample, and print impression collection or enter these facts in the abstract of judgment or dispositional order in the case of

a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING

Section 459.5 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to ~~commit larceny~~ steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c) “Retail property or merchandise” means any article, product, commodity, item or component intended to be sold in retail commerce.

(d) “Value” means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(e) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

Section 490.2 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

SEC. 7. SERIAL THEFT

Section 490.3 is added to the Penal Code to read:

(a) This section applies to the following crimes:

- (1) petty theft;
- (2) shoplifting;
- (3) grand theft;
- (4) burglary;
- (5) carjacking;
- (6) robbery;
- (7) a crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;
- (8) any violation of Section 496;
- (9) unlawful taking or driving of a vehicle within the meaning of Section 10851 of the Vehicle Code.
- (10) Forgery.
- (11) The unlawful sale, transfer, or conveyance of an

access card pursuant to Section 484e.

(12) Forgery of an access card pursuant to Section 484f.

(13) The unlawful use of an access card pursuant to Section 484g.

(14) Identity theft pursuant to Section 530.5.

(15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal property taken exceeds two hundred fifty dollars (\$250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT

Section 490.4 is added to the Penal Code to read:

(a) “Retail property or merchandise” means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) “Value” means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars (\$250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of the Act and is passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

SEC. 10. SEVERABILITY

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SEC. 11. CONFLICTING INITIATIVES

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot

measure is later held invalid, this measure shall be self-executing and given full force and effect.

Attachment 2



AGENDA REPORT

Meeting Date: April 10, 2018

Item Number: D-12

To: Honorable Mayor & City Council

From: Sandra Spagnoli, Police Chief
Marc Coopwood, Assistant Police Chief
Cynthia Owens, Senior Management Analyst

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA
SAFE ACT OF 2018

Attachments:

1. Resolution
2. Initiative Language
3. Fact Sheet for Reducing Crime and Keeping California Safe Act of 2018
4. Taking Back Our Communities Fact Sheet on AB 109, Proposition 47 and Proposition 57
5. Crime List

RECOMMENDATION

Staff recommends the City Council adopt a resolution (Attachment 1) in support of the Reducing Crime and Keeping California Safe Act of 2018 (Attachment 2) and authorize the Mayor to sign a letter of support.

INTRODUCTION

The "Reducing Crime and Keeping California Safe Act of 2018" initiative ("Act") is a response to the unintended consequences of Proposition 47, Proposition 57 and other recent public safety reform measures. This Act will reclassify crimes that under Proposition 57 qualify as "non-violent" crimes, reinstate DNA collection for certain misdemeanors, reform theft laws, and reform the parole system (Attachment 3).

This item requests the City Council consider supporting this Act by adopting a resolution.

DISCUSSION

Since 2014, California has had a larger increase in violent crime than the rest of the

United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Additionally, violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest United States cities tracked by the FBI.

The changes enacted by Assembly Bill 109 ("AB 109"), Proposition 47 and Proposition 57 (Attachment 4) have created a situation where violent and career criminals are serving little to no prison time, which has eroded the safety of almost every community in California. The California criminal justice system currently considers the following crimes as non-violent (Attachment 5), and offenders convicted of violating such laws are able to avoid appropriate prison sentences:

- Domestic violence;
- Rape;
- Corporal injury to a child;
- Hate crime causing physical injury; and
- Assault with a deadly weapon.

In addition, the state legislative changes that have occurred during the past several years have created an environment in California where most property crimes are now considered misdemeanors. As a result, between 2014 and 2016, California had the second highest increase in theft and property crimes in the United States, while most states experienced a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion, an increase of 13 percent since 2014. This is the largest single-year increase in the last ten years.

Furthermore, court imposed prison sentences for serious violent crimes can now be uniformly reduced by the state, thereby allowing career criminals the opportunity to avoid serving an adequate amount of jail time. The negative impacts from these state legislative changes has been far reaching, and all throughout California, crime rates and the number of victims are skyrocketing.

This Act will:

- Reclassify crimes that under Proposition 57 qualify as "non-violent" crimes. This includes reclassifying crimes such as rape of an unconscious person, sex trafficking of a child, and domestic violence as "violent" and would prevent the early release of inmates convicted of these crimes;
- Reform the parole system to stop the early release of violent felons, expand parolee oversight, and strengthen penalties for parole violations;
- Reform theft laws to restore accountability for serial thieves and organized theft gangs; and
- Reinstate DNA collection for certain misdemeanors. This would include those convicted of drug, theft, domestic violence and other serious crimes. DNA collection is an essential investigative tool for solving cold cases including rape and murder. It is also important to exonerate those wrongly accused.

Additionally, this Act will close a loophole in the state parole system that was created by AB 109. As written, AB 109 eliminated a return to prison for parole violators. This contributed directly to the deadly shooting of Whittier Police Officer Keith Boyer in February 2017. The accused had violated his parole five times, and had only served a few days in the Los Angeles County jail for each violation. This Act will require a mandatory court hearing for anyone who is charged with a third violation of parole.

Meeting Date: April 10, 2018

Organizations that support the Act include California Peace Officers Association, California Police Chiefs Association, California State Sheriffs' Association, and California District Attorneys Association.

As of April 3, 2018, there was no official record of any organization in opposition to this Act.

FISCAL IMPACT

There is no anticipated fiscal impact to the City as a result of this legislation; however, anticipated reduced crime will have a positive fiscal impact to the City and the Community.

Sandra Spagnoli

Approved By



Attachment 3

RESOLUTION NO. 18-R-13178

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA
SAFE ACT OF 2018

WHEREAS, the City of Beverly has historically taken positions on proposed state legislation of interest to Beverly Hills; and

WHEREAS, the Council of the City of Beverly Hills adopted Resolution No. 16-R-13107 opposing Proposition 57, the California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative on September 20, 2016; and

WHEREAS, the Reducing Crime and Keeping California Safe Act of 2018 is a response to the unintended consequences of Proposition 47 and 57 and other public safety reform measures. This Act will classify crimes that under Proposition 57 qualify as “non-violent” crimes, reinstate DNA collection for certain misdemeanors, reform theft laws, and reform the parole system; and

WHEREAS, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance; and

WHEREAS, since 2014, California has had a larger increase in violent crime than the rest of the United States; and

WHEREAS, since 2013, violent crime in Los Angeles has increased 69.5%; and

WHEREAS, the Federal Bureau of Investigation Preliminary Semiannual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in United States cities with populations over 100,000, indicate that last year violent crime increased again in most of California’s largest cities; and

WHEREAS, recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent."; and

WHEREAS, these changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "nonviolent offenders."; and

WHEREAS, as a result, these "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

WHEREAS, violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, including the gang member charged with the murder of Whittier Police Officer, Keith Boyer; and

WHEREAS, this measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations; and

WHEREAS, nothing in this act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal; and

WHEREAS, as a result of these changes, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States; and

WHEREAS, according to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion, an increase of 13% since 2014, the largest single-year increase in at least ten years; and

WHEREAS, grocery store operators around the state have experienced unprecedented increases in the amount of losses associated with shoplifting in their stores, with some stores reporting up to 150% increases in these losses from 2012 to present, with the largest jumps occurring since 2014; and

WHEREAS, shoplifting incidents have started to escalate in such a manner that have endangered innocent customers and employees; and

WHEREAS, individuals who repeatedly steal often do so to support their drug habit; and

WHEREAS, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs; and

WHEREAS, collecting DNA from criminals is essential to solving violent crimes; and

WHEREAS, over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals; and

WHEREAS, DNA collected in 2015 from a convicted child molester solved the rape and murder of two six-year-old boys that occurred three decades ago in Los Angeles County; and

WHEREAS, DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape/murder of an 83-year-old woman; and

WHEREAS, recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes; and

WHEREAS, permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted, and

WHEREAS, this measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent; and


WHEREAS, murderers, rapists, child molesters and other violent criminals should not be released early from prison; and

NOW, THEREFORE, the Council of the City of Beverly Hills resolves as follows:

Section 1. The City of Beverly Hills strongly supports the Reducing Crime and Keeping California Safe Act of 2018.

Section 2. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolution of the Council of this City.

Adopted: April 10, 2018




JULIAN A. GOLD, MD
Mayor of the City of
Beverly Hills, California

ATTEST:



BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS CONTENT:



MAHDI ALUZRI
City Manager

Attachment 4



An Initiative for Public Safety

VIOLENT CRIME

What is a 'violent crime'? For California's new parole law, the definition is murky — and it matters *(Los Angeles Times)*

- Expands the list of violent crimes for which early release is not an option
- Under current law, rape of an unconscious person, trafficking a child for sex, assault of a peace officer, felony domestic violence and other similar crimes are not classified as “violent felonies” — making criminals convicted of these crimes eligible for early release
- Gives victims reasonable notice of inmates' release and the right to submit a confidential statement to the Board of Parole Hearings

DNA COLLECTION

California's DNA database gets fewer hits due to Prop. 47 (KCRA)

- Reinstates DNA collection for certain crimes that were reduced to misdemeanors as part of Proposition 47
- Multiple studies have shown that DNA collected from theft and drug crimes has helped solve other violent crimes, including robbery, rape and murder. Since passage of Prop. 47, cold case hits have dropped over 2,000, with more than 450 of those hits connected to violent crimes

SERIAL THEFT

**An explosion of California property crimes
— due to Prop. 47** *(San Francisco Chronicle)*

- Revises the theft threshold by adding a felony for serial theft — when a person is caught for the 3rd time stealing with a value of \$250
- Prop. 47 changed the dollar threshold for theft to be considered a felony — from \$450 to \$950. As a result, there has been an explosion of serial theft and an inability of law enforcement to prosecute these crimes effectively. Theft has increased by 12% to 25%, with losses of a billion dollars since the law was passed.
- This problem won't be solved legislatively

PAROLE VIOLATIONS

**Suspect in Whittier police officer shooting death
arrested 5 times in last 7 months** *(Whittier Daily News)*

- Requires the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of his parole for the third time
- AB 109 bases parole solely on an offender's commitment offense, resulting in the release of inmates with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street

Keep California Safe

A Project of the California Public Safety Partnership Issues Committee

Paid for by Keep California Safe, a Project of the California Public Safety Partnership Issues Committee
Committee major funding from
California Correctional Peace Officers Association
FSB Core Strategies
McNally Temple Associates
Funding details at www.fppc.ca.gov

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Item B-3



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy & Management Analyst
DATE: November 26, 2019
SUBJECT: State and Federal Legislative Updates
ATTACHMENTS: None

A verbal update on federal legislative issues will be given by Jamie Jones of David Turch & Associates.

A verbal update on state legislative issues will be given by Andrew Antwih with Shaw/Yoder/Antwih, Inc.