Main components

* Defines local custody for non-violent, non-serious, non-sex offenders
* Makes changes to state parole and creates local “post-release community supervision”

Local planning process

* Expands role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code §1230
* Requires CCP to develop and recommend to the board of supervisors an implementation plan for 2011 public safety realignment
* Creates an Executive Committee from the CCP members comprised of:
* Chief probation officer
* Chief of police
* Sheriff
* **District Attorney**
* **Public Defender**
* **Presiding judge of the superior court (or his or her designee)**
* **A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs as appointed by the County Board of Supervisors**
* **The plan is deemed accepted by the County Board of Supervisors unless the Board rejects the plan by a vote of four-fifths of the board.**

Timeframe

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

Local custody

* Revises the definition of felony to include specified lower-level crimes that would be punishable in jail or another local sentencing option for more than one year.
* Maintains length of sentences.
* Time served in jails instead of prisons:
* Non-violent offenders
* Non-serious offenders
* Non-sex offenders
* Enhanced local custody and supervision tools
* Alternative custody tools for county jails
* Home detention for low-level offenders
* Local jail credits mirror current prison credits (day-for-day)
* **Expands limitations on allowable hospital costs for jail inmates and remove sunset date.**

State custody

* Convictions/priors for following offenses require state prison term:
* Prior or current serious or violent felony as described in PC 1192.7 (c) or 667.5 (c)
* The defendant is required to register as a sex offender pursuant to PC 290
* Other specified crimes (approximately 60 additional exclusions from “low-level” definition) will still require term in state prison

Contracting back

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

Post-release (county-level) community supervision

* Prospectively, county-level supervision for offenders upon release from prison will include:
* Current non-violent offenders (irrespective of priors)
* Current non-serious offenders (irrespective of priors)
* Sex offenders
* County-level supervision ***will not include:***
* 3rd strikers
* Individuals with a serious commitment offense
* Individuals with a violent commitment offense
* High risk sex offenders as defined by CDCR
* **Mentally Disordered Offenders (MDO)**
* Board of Supervisors designates a county agency to be responsible for Post Release Supervision and provide that information to CDCR by August 1, 2011.
* CDCR must notify counties as to who is being released on post-release supervision at least one month prior to their release.
* CDCR has no jurisdiction over any person who is under post-release community supervision
* No person shall be returned to prison except for persons previously sentenced to a term of life (and only after a court order).

Post-release revocations

* **Revocations are capped at 180 days with day-for-day credit earning.**
* **Authorizes discharging individuals on post-release community supervision who have no violations for six months.**

Ongoing state parole

* CDCR continues to have jurisdiction over all offenders on state parole prior to July 1, 2011 implementation
* State parole will continue for the following:
* The offender’s committing offense is a serious or violent felony as described in PC §§1192.7(c) or 667.5(c);
* The offender has been convicted of a third strike;
* The person is classified as a high risk sex offender; or
* **The person is classified as a Mentally Disordered Offender (MDO).**

Parole revocations

* **Prospectively, the parole revocation process continues under Board of Parole Hearings (BPH) until July 1, 2013.**
* **Parole revocations will be served in county jail and not to exceed 180 days.**
* Contracting back to the state for revocations is not an option.
* Only persons previously sentenced to a term of life can be revoked to prison.
* For the remaining low level offenders on parole after implementation of realignment, parole has the authority to discharge after six months if no violations have occurred.

Juvenile Justice

* **AB 109 limited the future juvenile court commitments to state juvenile detention (Division of Juvenile Justice or DJJ) – this provision was removed in AB 117. No changes to the state juvenile justice system in realignment.**