



April 27, 2021

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

**RE: SB 493 (Bradford) – Redirection of Juvenile Justice Crime Prevention Act Resources
As amended 3/23/2021 – OPPOSE
Set for hearing 5/3/2021 – Senate Appropriations Committee**

Dear Senator Portantino:

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write to jointly express our respectful yet unequivocal opposition to SB 493, by Senator Steven Bradford. This measure proposes to redirect Juvenile Justice Crime Prevention Act (JJCPA) funds, revise the composition of local Juvenile Justice Coordinating Councils, and recast various elements of required multiagency juvenile justice plans. While our associations certainly have considerable concerns about the policy and operational implications of this measure, we highlight for purposes of this committee's fiscal assessment the ways in which SB 493 would abridge the constitutional protections enacted in Proposition 30 (2012) afforded to programs – JJCPA among them – and associated funding realigned in 2011.

JJCPA, enacted statutorily in 2000 and funded for just over a decade through the state General Fund, was designed to provide local resources for investment in a continuum of juvenile prevention and intervention programs. Subsequently, JJCPA – along with a variety of other local assistance services and programs – was statutorily incorporated into the 2011 Public Safety Realignment fiscal structure¹ where it now is guaranteed a minimum level of Vehicle License Fee (VLF) funding and enjoys constitutional protections approved in Proposition 30 (2012)². These developments require careful analysis and understanding of the constitutional implications of potentially repurposing or redirecting nearly the entirety of JJCPA funds as contemplated in SB 493. We have identified the following problems with SB 493 as drafted relative to violations of or unacknowledged interactions with constitutional provisions.

¹ Government Code Sections 30025-30029.12.

² California Constitution – Article XIII, Section 36.

First, under the provisions of Proposition 30, legislation enacted after September 2012 that increases the costs already borne by, or increases the level of service associated with, a program in 2011 Realignment must be accompanied by funding. In the absence of state funding to cover the increased local cost or to support the higher level of service, local agencies are not compelled to provide the new program or service obligation.³ The proposed redirection of JJCPA funds amounts to an increase in local costs to provide an existing level of service, given that these funds are inextricably linked – both in practice and statutory construction – to funding that accompanied the 2007 shift, pursuant to SB 81, of responsibility to counties for all youth except those adjudicated for Welfare and Institutions Code 707(b) offenses. Counties continue to receive Youth Offender Block Grant (YOBG) funding, a program also realigned in 2011 and subject to constitutional protections, to support SB 81 responsibilities. A review of the underlying statutory authority for both JJCPA (Government Code Section 30061) and YOBG (Welfare and Institution Code 1950-1956) makes clear that YOBG implementation intentionally relied – and continues to rely – upon the local response continuum developed with the JJCPA investment. Diverting JJCPA funds away from local probation departments would (1) effectively dismantle the foundation on which YOBG is built, (2) disrupt the very service structure and funding continuum that is relied upon in fulfilling the requirements of SB 81, and (3) require a like investment to ensure the existing service levels for realigned programs can be maintained.

Secondly, and more fundamentally, we also would point out that the Constitution requires that funding dedicated to support programs realigned in 2011 – a portion of the VLF and a specified percentage of the state’s sales and use tax – “be **exclusively** used to fund the provision of Public Safety Services **by local agencies** as specified by the 2011 Realignment Legislation⁴.” Prohibiting the lead county agency responsible for juvenile justice responses from accessing long-standing, foundational revenues is wholly inconsistent with the letter and the spirit of the Proposition 30 constitutional protections.

Finally, we would note that in the drafting SB 493 appears to capture other prosecution and front-line law enforcement programs that are statutorily linked to JJCPA. There is no reasonable way for these activities to be carried out by community-based organizations or non-law enforcement departments, and a redirection of this allied category of funds – also realigned in 2011 – would run afoul of the same constitutional provisions outlined above.

While our organizations support the continued evaluation of the best and most effective ways to address the needs of youth in our community, we are steadfast in our opposition to diverting

³ Article XIII, Section 36, (c)(4)(A); (c) (4) (A) Legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation shall apply to local agencies only to the extent that the State provides annual funding for the cost increase. Local agencies shall not be obligated to provide programs or levels of service required by legislation, described in this subparagraph, above the level for which funding has been provided

⁴ Article XIII, Section 36, (c)(2)

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meaningful, long-standing, and constitutionally protected investments in local systems, particularly when implementation of interrelated juvenile justice reforms (SB 823, 2020) is now underway. Counties can and do partner with community-based organizations in meeting the therapeutic and rehabilitative needs of the young people in our communities. We will continue to do so but believe the strongest and most responsive approaches are those built on partnership and collaboration.

For these reasons, CSAC, UCC, and RCRC must respectfully but firmly oppose SB 493. Please feel free to contact Josh Gauger at CSAC (jgauger@counties.org), Elizabeth Espinosa at UCC (ehe@hbeadvocacy.com), or Sarah Dukett at RCRC (sdukett@rcrcnet.org) for any questions on our associations' perspectives. Thank you.

Sincerely,



Josh Gauger
Legislative Representative
CSAC



Elizabeth Espinosa
Legislative Representative
UCC



Sarah Dukett
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Cc: Members and Consultants, Senate Appropriations Committee