



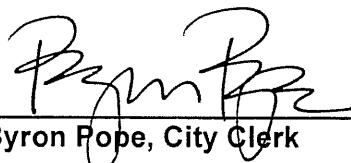
Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

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

Monday, February 12, 2018
10:00 AM

AGENDA

- 1) Public Comment
 - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) Deferred Action for Childhood Arrivals (DACA)
- 3) Offshore Oil Drilling
- 4) Reducing Crime and Keeping California Safe Act of 2018
- 5) SB 460 (de León) – Broadband Internet Access Service – Net Neutrality
- 6) SB 562 (Lara) – The Healthy California Act – Single Payer Healthcare
- 7) SB 946 (Lara) – Sidewalk Vendors
- 8) AB 1876 (Frazier) Sacramento-San Joaquin Delta: Delta Stewardship
- 9) SB 828 (Weiner) – Land Use: Housing Element
- 10) Costa Hawkins Act
- 11) Ellis Act
- 12) Adjournment



Byron Pope, City Clerk

Posted: February 9, 2018

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



In accordance with the Americans with Disabilities Act, Conference Room A is wheelchair accessible. If you need special assistance to attend this meeting, please call the City Manager's Office at (310) 285-1014 or TTY (310) 285-6881. Please notify the City Manager's Office at least twenty-four (24) hours prior to the meeting if you require captioning service so that reasonable arrangements can be made.

Item 2



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

Item 2

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: Deferred Action for Childhood Arrivals (DACA)

ATTACHMENT: 1. Summary Memo from David Turch & Associates

A verbal presentation will be provided by Jamie Jones from David Turch & Associates of the attached memo. After discussion of the Deferred Action for Childhood Arrivals (DACA) the Liaisons may recommend the following actions:

- 1) Support the proposed narrow compromise currently under consideration in Washington, D.C.;
- 2) Oppose the proposed narrow compromise currently under consideration in Washington, D.C.;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council at the February 20, 2018 Study Session as this is not part of the City's adopted Legislative Platform.

Attachment 1

David Turch and Associates

TO: City of Beverly Hills

FROM: Jamie Jones
Jamie.jones@daviddturch.com
202-543-3744

DATE: February 7, 2018

RE: Deferred Action for Childhood Arrivals (DACA)

Congressional Republican and Democratic leaders are in the midst of negotiations amongst themselves and with the White House on a solution for undocumented immigrants who entered the United States as minors, also known as “dreamers.” Last September, President Trump ordered the termination of the Deferred Action for Childhood Arrivals (DACA) benefits on March 5, 2018, leaving Congress scrambling to find a DACA fix before the upcoming deadline.

Democratic strategy to link a DACA agreement to a short- or long-term FY 2018 budget deal collapsed following a three-day government shutdown last month. Senate Minority Leader Chuck Schumer (D-NY) and House Democratic Leader Nancy Pelosi (D-CA) are now dependent upon a commitment by Senate Majority Leader Mitch McConnell (R-KY) to schedule floor time on immigration legislation, including DACA, following enactment of another continuing resolution (CR) keeping the federal government afloat beyond February 8.

Earlier today, Senate leaders announced a budget deal to raise defense and non-defense spending caps by nearly \$300 billion over two-years (FY 2018 and FY 2019) while providing emergency disaster relief funding for hurricane and wildfire victims along with spending for a host of important Democratic priorities. This spending package, should it pass congressional muster, sets the stage for Senate floor action on immigration beginning as early as this week. The challenge for Democrats, particularly in the House, is that Speaker Paul Ryan (R-WI), unlike his Senate counterpart, has refused thus far to issue of commitment to raise the DACA issue following the enactment of another short-term spending resolution.

While negotiations and even positions seem rather fluid, here is where things stand as of February 7:

White House Position

As recently as this week, President Trump has threatened a government shutdown if Congress fails to support his immigration plan. The President has offered an immigration proposal that would provide a permanent solution to DACA recipients while fundamentally altering our legal immigration system. President Trump has threatened to veto any immigration legislation that fails to meet the four main pillars of his immigration plan:

1. Legalization with a citizenship track for 1.8 million “dreamers,” which more than doubles the number of registered DACA recipients;
2. The establishment of a “trust fund” for a border wall with \$25 billion in authorized and appropriated funds that is walled off from future congressional rescissions;

3. The elimination of “chain migration” – otherwise known as family reunification – that currently allows US citizens to file immigrant petitions for their parents, siblings and adult children with a transition to a “merit” based immigration system; and
4. The termination of the diversity visa lottery program that offers 50,000 green cards annually to immigrants from countries with low admission rates to the United States.

Senate Position

Democratic senators are asking for a “narrow” compromise involving a permanent solution for DACA recipients coupled with funding for enhanced border security. Senator Dick Durbin (D-IL), the lead Democratic Senate negotiator on DACA, has publicly stated that a broad immigration deal is not possible now and Congress and the White House should focus on a more narrow solution that can gain enough votes to pass the Senate and House.

Along those lines, Senators Chris Coons (D-DE) and John McCain (R-AZ) introduced bipartisan legislation, S.2367, the Uniting and Securing America (USA) Act, on February 5 that provides long-term security for dreamers extending legalization to young, undocumented immigrants who have lived in the United States since 2013 (DACA’s cut-off is 2007). The Coons/McCain bill, moreover, would direct the Department of Homeland Security to formulate a plan that would achieve “operational control” of our border by 2020. While not calling for a border wall, S.2367 does not preclude one either. President Trump opposes this legislation as well as its companion bill (H.R. 4796) in the House.

House Positions

Representatives Will Hurd (R-TX), who represents a district with an 800 mile border with Mexico, and Pete Aguilar (D-CA), who represents a district in San Bernardino County, introduced H.R. 4796, bipartisan legislation with 54 cosponsors evenly split along party lines. As mentioned above, the Hurd/Aguilar bill was introduced in the Senate by Senators Coons and McCain last week. Like its counterpart in the Senate, H.R. 4796 provides permanent legal status for DACA recipients as well as covers undocumented minors who have entered the United States since 2013. The bill calls for smart border security measures to gain operational control of our borders by 2020. Reps. Hurd and Aguilar argue that their “USA Act” is a targeted approach that can pass the House and Senate.

Speaker Paul Ryan is on record saying that he will only consider on the House floor immigration legislation that has the President’s support. The challenge for Ryan is not only Trump’s hard line position but the divisions within his own GOP Conference who are split on how best to proceed with a DACA/immigration fix. Freedom Caucus members, representing the more conservative wing of the GOP, opposes what they call “amnesty” for DACA recipients and will only support an attenuated legalization plan that appropriates \$30 billion for a border wall and other border security measures while significantly reducing legal immigration to the United States.

Whether Speaker Ryan and his Republican colleagues can reach a deal with Democrats will depend to a large extent on President Trump’s position. As Senator Durbin has proclaimed, a DACA solution is in the hands of the President.

Item 3



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 3

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: Offshore Oil Drilling

ATTACHMENT:

- 1. Summary Memo from Shaw/Yoder/Antwhi, Inc.
- 2. Media Release – California Natural Resources Agency
- 3. U.S. News/Reuters Article

A verbal presentation will be provided by Andrew Antwhi of Shaw/Yoder/Antwhi, Inc. on the attached memo. A verbal presentation may also be given by Jamie Jones of David Turch & Associates.

After discussion of Offshore Oil Drilling the Liaisons may recommend the following actions:

- 1) Support AB 1775 (Muratsuchi);
- 2) Oppose AB 1775 (Muratsuchi);
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council as this is not part of the City's adopted Legislative Platform. This would be presented as a "C" item at the March 6, 2018 Study Session Meeting.

Attachment 1



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

February 6, 2018

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: AB 1775 (Muratsuchi) State lands: leasing: oil and gas

Introduction and Background

In January 2018, President Trump's Department of the Interior announced that they are planning to allow new oil and gas drilling leases in federal waters. Six of the planned leases are off the California coast. While the leases would be offered in federal waters, which begin three miles offshore and extend 200 miles off the coast, oil and natural gas producers would need some method to transport the oil and gas onto the shore, on California soil.

AB 1775 (Muratsuchi) would prohibit the State Lands Commission or local trustee of granted public trust lands from entering into a new lease or other conveyance, or renewing, extending, or modifying a new lease, that would authorize new or additional exploration, development, or production of oil or natural gas on California State lands that would result in the increase of oil or natural gas production from federal waters, except in certain circumstances.

These excepted circumstances are:

- The President of the United States finds a severe energy supply interruption and has ordered distribution of the Strategic Petroleum Reserve, the Governor finds that the energy resources will contribute to the alleviation of that interruption, and the Legislature subsequently acts to amend this chapter.
- The Commission determines that the oil or gas deposits are being drained by means of producing wells upon adjacent federal lands and the lease or other conveyance is in the best interest of the state

The prohibitions in AB 1775 (Muratsuchi) would increase the costs associated with utilizing the offshore drilling rights by preventing a pipeline to the shore. Similar local ordinances have proven to be an effective strategy for California cities to reduce the amount of offshore drilling near their jurisdictions. While these ordinances have been the subject of legal challenges in the past, the courts have historically ruled in favor of local governments' ability to control land use within their jurisdictions.

There is a companion bill in the Senate, SB 834 (Jackson and Lara), which is substantially similar.

Status of Legislation

AB 1775 (Muratsuchi) was referred to the Assembly Committee on Natural Resources. The Senate companion bill, SB 834 (Jackson and Lara), was referred to the Senate Natural Resources and Water Committee. Neither bill has been set for hearing yet.

Support and Opposition

There is currently no formal support or opposition registered for this bill.

Attachment 2



FOR IMMEDIATE RELEASE

Media Contact:

Lisa Lien-Mager, (916) 653-9402

Lisa.Lien-Mager@resources.ca.gov

February 8, 2018

California Natural Resources Secretary Issues Statement Opposing Federal Proposal to Renew Offshore Oil and Gas Development

SACRAMENTO – California Secretary for Natural Resources John Laird submitted formal comments today on a federal proposal to renew offshore oil and gas development along the West Coast and issued the following statement:

"It's no surprise that many Californians are alarmed by a recent U.S. Department of Interior proposal to open our coastal waters to oil and gas exploration and production. Californians care deeply about our 1,100-mile coastline and public beaches, which draw millions of visitors a year. Public opposition to offshore drilling has steadily increased in California, and a poll by the Public Policy Institute of California in July showed it is at an all-time high."

"There is a reason no new offshore oil and gas leases have been allowed in California since the 1969 spill off the coast of Santa Barbara. Californians saw that devastation and acted locally to ensure the public would have a voice in local zoning for future onshore facilities related to offshore drilling."

"To meet our long-term energy needs, Californians have chosen clean, renewable energy and low carbon transportation fuels and technologies. We urge the Interior Department to withdraw our state from further consideration for renewed offshore oil and gas development."

Laird's formal comments submitted to the U.S. Bureau of Ocean Energy Management on behalf of the Ocean Protection Council are available [here](#). A resolution in opposition to the proposal by the Ocean Protection Council is available [here](#).

An op-ed on the topic by Secretary Laird published by The Sacramento Bee is available [here](#).

###

Every Californian should conserve water. Find out how:



SaveOurWater.com • Drought.CA.gov

Attachment 3

California Says Will Block Crude Oil From Trump Offshore Drilling Plan
Feb. 7, 2018, at 2:04 p.m.



By Sharon Bernstein

SACRAMENTO, Calif. (Reuters) - California will block the transportation through its state of petroleum from new offshore oil rigs, officials told Reuters on Wednesday, a move meant to hobble the Trump administration's effort to vastly expand drilling in U.S. federal waters.

California's plan to deny pipeline permits for transporting oil from new leases off the Pacific Coast is the most forceful step yet by coastal states trying to halt the biggest proposed expansion in decades of federal oil and gas leasing.

Officials in Florida, North and South Carolina, Delaware and Washington, have also warned drilling could despoil beaches, harm wildlife and hurt lucrative tourism industries.

"I am resolved that not a single drop from Trump's new oil plan ever makes landfall in California," Lt. Governor Gavin Newsom, chair of the State Lands Commission and a Democratic candidate for governor, said in an emailed statement.

The commission sent a letter on Wednesday to the U.S. Interior Department's Bureau of Ocean Energy Management (BOEM) urging the bureau's program manager Kelly Hammerle to withdraw the draft proposal, saying the public did not have an adequate opportunity to provide input on the plan.

"It is certain that the state would not approve new pipelines or allow use of existing pipelines to transport oil from new leases onshore," the commission wrote in the letter seen by Reuters.

California has clashed repeatedly with President Donald Trump's administration over a range of other issues since last year, from climate change to automobile efficiency standards to immigration.

The Interior Department last month announced its proposal to open nearly all U.S. offshore waters to oil and gas drilling, sparking protests from coastal states, environmentalists and the tourism industry.

Governors from nearly every U.S. coastal state except Alaska and Maine expressed opposition, and even Alaska's governor requested sensitive areas be removed.

The proposal also comes amid low U.S. oil industry demand for new offshore leases, as drillers focus on cheaper and highly-productive wells onshore that have pushed U.S. production over 10 millions barrels per day for the first time since 1970.

Heather Swift, spokeswoman for Secretary of the Interior Ryan Zinke, said developing the five-year plan for offshore oil and gas leases is "a very open and public process."

"Secretary Zinke looks forward to meeting with more Governors and other coastal representatives who want to discuss the draft program," she said, adding the bureau "has planned 23 public meetings, in our coastal states, to secure feedback directly from citizens."

In an interview on Tuesday, William Brown, the Bureau of Ocean Energy Management's chief environmental officer, said state input is taken seriously, and has resulted in past drilling plans being scaled back. He said the approval process would take two years and include an environmental review.

PROTESTS

Trump has said more offshore drilling would boost the U.S. economy and national security by reducing reliance on imported oil.

Opponents of offshore drilling have complained that Congress has passed no new safety standards since BP Plc's Deepwater Horizon explosion and oil spill in the Gulf of Mexico in 2010. It took months to stop that leak, which became the largest oil spill in American history, despoiling the environment of Gulf Coast states and causing billions of dollars in economic damage.

Offshore drilling has been restricted in California since a 1969 oil spill off the coast of Santa Barbara. In 2015, another spill in Santa Barbara County sent as much as 2,400 barrels of oil (101,000 gallons or 382,000 liters) onto the coast and into the Pacific, leaving slicks that stretched over nine miles (14 km).

Major oil companies, like Chevron Corp , have long since abandoned their efforts in California's offshore region, despite its estimated 250 million barrels of proven oil reserves, due in part to legislative and political hurdles and easier prospects elsewhere. Chevron gave away the U.S. Geological Survey seismic data on offshore California and other parts of the U.S. West Coast for research use in 2005, deeming it no longer commercially useful.

Neal Kirby, a spokesman for the Independent Petroleum Association of America, which represents small and mid-sized drilling companies, said his members support the administration's drilling plan.

But, he said that the industry was primarily interested in the Eastern Gulf of Mexico, a region close to existing oil infrastructure and highly-productive fields. He said if

California bars oil from passing through pipelines, companies would be even less likely to seek new offshore leases there.

A number of other states have asked the Interior Department to exempt them from the drilling plan. So far, Secretary Zinke has said he would exempt Florida, which borders the Eastern Gulf and the Southeastern Atlantic, to protect its tourism industry and he has promised to hold discussions with other states that have expressed concerns.

On Jan. 24, U.S. lawmakers from Florida sent Zinke a letter pressing him to honor his pledge, noting that the acting chief of the Bureau of Ocean Energy Management had said Florida's coast is "still under consideration for offshore drilling."

Environmentalists and some elected officials plan to protest the drilling plan at a public meeting on Thursday in Sacramento.

(Reporting by Sharon Bernstein; additional reporting by Jessica Resnick-Ault; editing by Richard Valdmanis, David Gregorio and Clive McKeef)

Item 4



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 4

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Sandra Spagnoli, Police Chief
Marc Coopwood, Assistant Chief of Police
Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: Consideration of a Request to Support “Reducing Crime and Keeping California Safe Act of 2018”

ATTACHMENT:

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

INTRODUCTION

The “Reducing Crime and Keeping California Safe Act of 2018” initiative (“Act”) is a response to the unintended consequences of Proposition 47 and 57 and other recent public safety reform measures. As filed with the state, this Act states it will “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; reform theft laws to restore accountability for serial thieves and organized theft rings; and expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.”

This item is to request the Legislative/Lobby Liaisons consider taking a position on this Act.

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 that have been enacted by AB 109, Proposition 47, and Proposition 57 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,” 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 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, 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. This law 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.

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

RECOMMENDATION

Staff recommends that the Legislative/Lobby Liaison Committee consider taking a position on “Reducing Crime and Keeping California Safe Act of 2018”. The Liaisons may consider supporting this Act as the City’s current Legislative Platform does include the following statement:

Support efforts to reverse all legislation, including AB 109, that created “early release” for low-risk, serious and violent offenders.

Staff seeks Liaison approval for a Resolution in support of Reducing Crime and Keeping California Safe Act of 2018 and for a letter of support. Should this be approved by the Liaisons, then it will be placed on the March 6, 2018 City Council Agenda as either a “C” item for Study Session or on consent calendar for the Formal Session.

Attachment 1



An Initiative for Public Safety

VIOLENT CRIME

- 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

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.

PAROLE VIOLATIONS

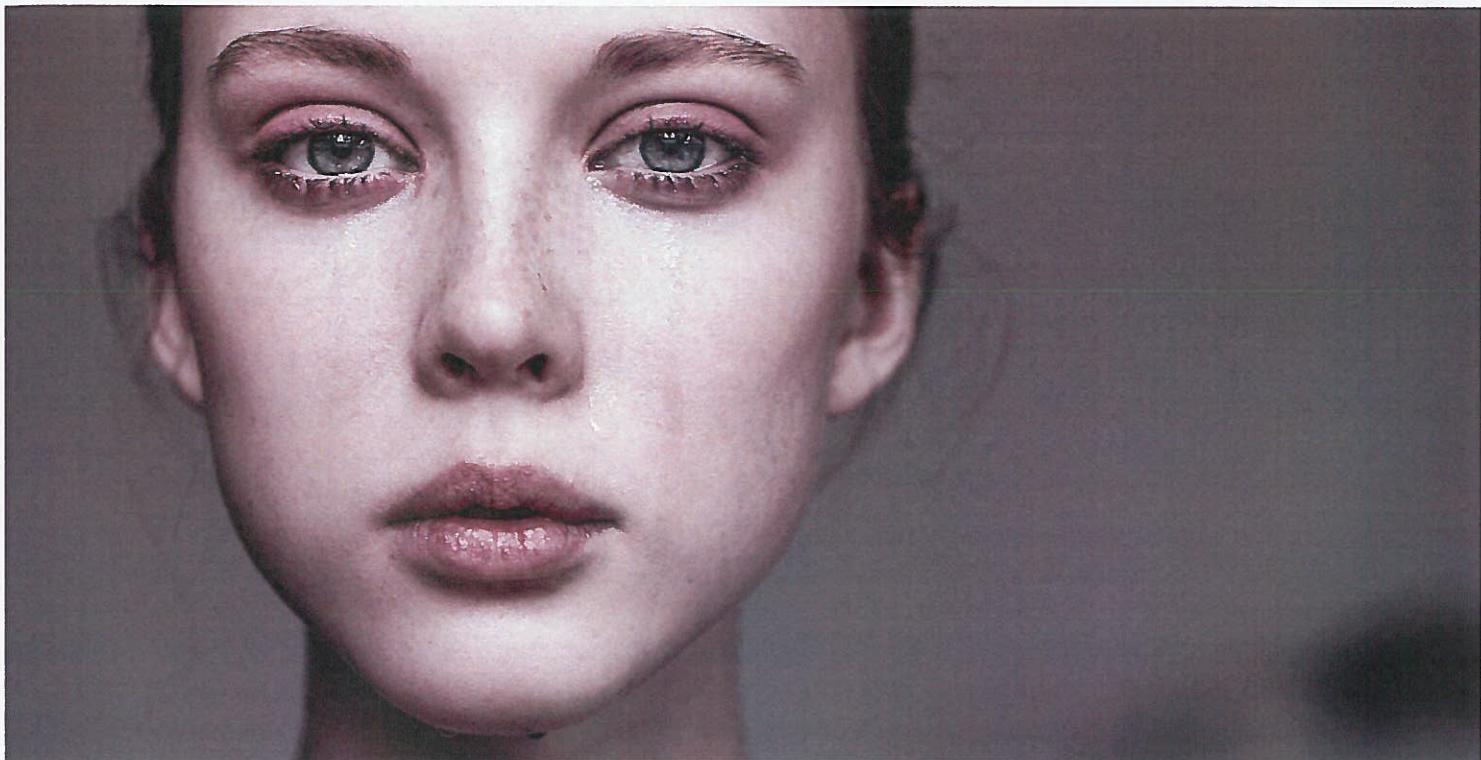
- Requires the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of his parole for the third 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

For more information, please visit www.keepcalsafe.org.

Paid for by Keep California Safe, a Project of the California Public Safety Partnership Issues Committee
Committee major funding from
Peace Officers Research Association of California
Los Angeles Police Protective League
Ralphs Grocery

Attachment 2



Sell a child for sex in California. Get out of prison early.

The following crimes are not considered "violent" under current California law, allowing inmates convicted of these crimes to be released from prison early. Our initiative stops early release by making these crimes violent.

- Human trafficking of a child
- Abducting a minor for prostitution
- Rape by intoxication
- Rape of an unconscious person
- Felony sexual penetration, sodomy, or oral copulation when drugs are used or the victim is unconscious
- Drive by shooting, or shooting on foot, at an inhabited dwelling or vehicle
- Assault with a firearm
- Felony domestic violence
- Felony assault with a deadly weapon
- Serial arson
- Solicitation to commit murder
- Assault with caustic chemicals
- Assault by a caregiver on a child under 8 that could result in death or coma
- Felony assault using force likely to produce great bodily injury
- False imprisonment/taking a hostage when avoiding arrest or to use as a shield
- Assaulting a police officer, with or without a firearm
- Exploding a bomb to injure people
- Felony hate crime
- Any felony where a deadly weapon is used
- Felony use of force or threats against a witness or victim of a crime
- Felony elder or dependent adult abuse
- Conspiracy to commit any of the above offenses

Keep California Safe

For more information, please visit www.keepcalsafe.org.

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Committee major funding from
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Los Angeles Police Protective League
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Attachment 3

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. 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 provided 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 Part 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 1143.

(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) 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 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 2610;

(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 resuscitation 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 supervising 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) 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 7162.5 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 3454.

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 484c.

(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.

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

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

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.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT.

REGISTERED VOTERS ONLY		All signers of this petition must be registered to vote in _____ County.		This column for official use only
		1.	Residence Print Your Name: _____ Address ONLY: _____	
Sign As Registered To Vote: _____	City: _____ Zip: _____			
2.	Residence Print Your Name: _____ Address ONLY: _____			
Sign As Registered To Vote: _____	City: _____ Zip: _____			
3.	Residence Print Your Name: _____ Address ONLY: _____			
Sign As Registered To Vote: _____	City: _____ Zip: _____			
4.	Residence Print Your Name: _____ Address ONLY: _____			
Sign As Registered To Vote: _____	City: _____ Zip: _____			
5.	Residence Print Your Name: _____ Address ONLY: _____			
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6.	Residence Print Your Name: _____ Address ONLY: _____			
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7.	Residence Print Your Name: _____ Address ONLY: _____			
Sign As Registered To Vote: _____	City: _____ Zip: _____			
8.	Residence Print Your Name: _____ Address ONLY: _____			
Sign As Registered To Vote: _____	City: _____ Zip: _____			
9.	Residence Print Your Name: _____ Address ONLY: _____			
Sign As Registered To Vote: _____	City: _____ Zip: _____			

DECLARATION OF CIRCULATOR (To be completed in circulator's own hand after the above signatures have been obtained.)

I, _____, am 18 years of age or older.
(print name)

My residence address is _____ (address, city, state, zip). I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ (month, day, year) and _____ (month, day, year).

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, at _____, California. Signature of Circulator _____
(complete signature indicating full name of circulator)
(month, day) (year) (place of signing)

Attachment 4



THE NEW CRIMINAL JUSTICE SYSTEM IN CALIFORNIA AB 109 / PROPOSITION 47 / PROPOSITION 57 FACT SHEET

AB 109

AB 109 transferred nearly **45,000 felons** from the State prison system to local jail facilities. However, it is important to note that local jails were not designed to house criminals on a long-term basis. Rather, facilities built in local jurisdictions were intended to detain individuals on a short-term basis for minor infractions or while awaiting trial.

The approval of AB 109 has resulted in the ongoing transference of criminals that should be serving State prison sentences for felony convictions back to local jail facilities. However, local jail facilities were never designed to house violent criminals for extended periods of time, and were already overcrowded before AB 109 was approved. Given the need for local jurisdictions to now house violent felons, AB 109 has resulted in the release of tens of thousands of lower-level convicted criminals back into our community.

Ultimately, as a result of AB 109, while the State prison population has decreased, local jail facilities have seen an increase in the number inmates being incarcerated, resulting in lower-level criminals being released early. This has had a direct impact on rising property crime rates throughout the State.

PROP 47

Proposition 47, called The Safe Neighborhoods and Schools Act, was approved by 60% of California voters in 2014. However, instead of keeping our neighborhoods and schools safe, approval of Proposition 47 actually served to reclassify and downgrade a number of serious crimes from felonies to misdemeanors.

Drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs – all of which were felonies before Proposition 47 was approved – are now classified in as misdemeanors.

The effects of Proposition 47 have been far reaching. Today, a criminal can steal as much and as many times as they like, and so long as the value of what is stolen during each theft is less than \$950, the violation is considered a misdemeanor. In addition, the possession of any illegal drug – including cocaine, heroin, and methamphetamine – has been reclassified as a misdemeanor violation, which has decimated the legal system's ability to compel addicts to enter drug rehabilitation programs.

POSSESSION OF DRUGS = MISDEMEANOR INFRACTION

- Possession of Methamphetamine
- Possession of Cocaine
- Possession of Heroin
- Possession of other opiates

STEAL \$950 OR LESS = MISDEMEANOR INFRACTION

- Theft / Theft With A Prior
- Shoplifting
- Forgery / Fraud / Bad Checks
- Receiving Stolen Property

WHAT'S THE DIFFERENCE BETWEEN A MISDEMEANOR AND A FELONY?

MISDEMEANOR

- Misdemeanors are minor violations that must be observed by a law enforcement official in order for action to be taken.
- Penalty is up to one year in jail, but most often results in probation with no jail time.
- Criminals arrested for misdemeanor crime violations are typically released immediately with a citation to appear in court at a later date.

FELONY

- Felonies are the most serious kind of crime.
- Penalty used to be jail time in State prison for more than one year.
- Today, because of AB 109, some criminals with serious felony violations serve time in local jail facilities.

PROP 47 REDUCED ACCOUNTABILITY FOR THOSE WHO COMMIT CRIME.



PROP 57

Proposition 57, called The Public Safety and Rehabilitation Act, was approved by 65% of California voters in 2016. According to the non-partisan Legislative Analyst Office, Proposition 57 allows the State to provide for the early release of up to 30,000 criminals convicted of "non-violent" felonies. Among the crimes that are classified by the State as "non-violent" include:

- Rape by intoxication
- Rape of an unconscious person
- Human trafficking involving sex act with minors
- Drive-by shooting
- Assault with a deadly weapon
- Hate crime causing physical injury
- Corporal injury to a child

Other adverse public safety impacts that were authorized by Proposition 57 include:

- The State Department of Corrections has been given the unlimited authority to grant credits to all criminals – regardless of the nature of their crime – which would facilitate any criminal's early release from State prison.
- Criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim.
- Repeat criminals will be eligible for release after the same period of incarceration as first time offenders.

CONTACT YOUR STATE LEGISLATOR TODAY AND ASK FOR HELP TO TAKE BACK OUR COMMUNITY

Our State legislators are the individuals who can make the changes necessary to help protect our communities, and we need you to contact them to ask that they help us take back our community!

Visit the City's website to find additional facts about AB 109 / Prop 47 / Prop 57, advocacy letter templates, and additional information on the City's Taking Back our Community campaign. Then, contact our State legislators and ask them to make the criminal justice system changes needed to ensure that violent and career criminals are kept out of our communities.

Governor Jerry Brown
State Capitol, Suite 1173
Sacramento, CA 95814
Phone: (916) 445-2841
Fax: (916) 558-3160

Representative
Address
City, State
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Item 5



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 5

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: SB 460 (de León) – Broadband Internet Access Service – Net Neutrality

ATTACHMENT: 1. Summary Memo from Shaw/Yoder/Antwih, Inc.

A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of Net Neutrality the Liaisons may recommend the following actions:

- 1) Support SB 460 (de León);
- 2) Oppose SB 460 (de León);
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council as this is not part of the City's adopted Legislative Platform. This would be presented as a "C" item at the March 6, 2018 Study Session Meeting.

Attachment 1



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

February 6, 2018

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwihi, Partner, Shaw / Yoder / Antwihi, Inc.
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwihi, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwihi, Inc.

Re: SB 460 (de León) Communications: Broadband Internet Access Service.

Introduction and Background

Senator de León introduced SB 460, which would prohibit internet service providers (ISPs) from engaging in certain activities that violate the principles of “net neutrality.” The bill is a response to the Federal Communications Commission’s (FCC) decision to repeal their “net neutrality rules” in December of 2017. A prior version of the bill had granted regulatory authority to the California Public Utilities Commission; however, after concerns with expanding CPUC regulatory authority were expressed in committee, those provisions were stricken from the bill. The bill in its current form would allow consumers damaged by violations of the bill’s provisions to avail themselves of the enforcement mechanisms provided for under the Consumer Legal Remedies Act (CLRA), allowing them to sue for damages. SB 460 (de León) also prohibits state agencies from entering into a contract with an ISP unless they have certified, under penalty of perjury, not to violate the activities made unlawful by this bill.

Specifically, this bill would:

- Prohibit ISPs from engaging in the following activities:
 - Blocking lawful content.
 - Impairing or degrading lawful internet traffic.
 - Paid prioritization.
 - Unreasonably interfering or unreasonably disadvantaging a customer’s ability to select, access, or use broadband Internet access or lawful content.
 - Deceptive marketing that misrepresents the treatment of internet traffic or content to its customers
 - Advertising for sale or selling broadband Internet access services without prominently disclosing all aspects of said services advertised, offered, or sold.
- Make available the procedures and remedies laid out in the CLRA and also makes clear that it would not preclude enforcement of the Unfair Competition Law and the False Advertising Law.
- Allow the following entities to prosecute violations of the bill’s provisions under the Unfair Competition Law:
 - The Attorney General
 - A district attorney
 - A county counsel by agreement with the district attorney
 - A city attorney of a city with a population of more than 750,000
 - A city attorney in a city and county

Status of Legislation

SB 460 (de León) passed out of the Senate on January 29, 2018 by a margin of 21 Aye votes to 12 Noes with Senators Allen, Berryhill, Cannella, Galgiani, Glazer, Mendoza and Newman not casting votes. The bill is currently in the Assembly and has not yet been referred to a policy committee.

Support and Opposition

The author of the bill states that, "We cannot allow the profits and political interests of internet service providers to outweigh the public interest in a free and open Internet." Proponents of the bill argue that with the repeal of the FCC's net neutrality rules, it is incumbent upon the State to act to preserve a free and open Internet.

The bill is opposed by business groups and broadband internet service providers. They express concerns over the patchwork regulatory framework that the bill would create and argue that those regulations would slow down innovation. They also argue that the bill is inconsistent with the federal regulatory framework, is preempted by federal law, and will result in costly litigation.

SUPPORT:

ADT Security Services
Center for Accessible Technology
City of Santa Monica
The Greenlining Institute
The Utility Reform Network

OPPOSITION:

Asian Pacific Islander American Public Affairs Association
Asian Pacific Islander American Public Affairs Association Bay Area Region
AT&T
Black Business Association
Black Chamber of Orange County
California Cable & Telecommunications Association
California Chamber of Commerce
California Manufacturers & Technology Association
Carmel Valley Chamber of Commerce
Central City Association of Los Angeles
Chambers of Commerce Alliance of Ventura and Santa Barbara Counties
Coalition for Responsible Community Development
Community Youth Center of San Francisco
Congregations Organized for Prophetic Engagement
CONNECT
Consolidated Communications
CTIA
Escondido Chamber of Commerce
Exceptional Parents Unlimited
Fresno Chamber of commerce
Frontier Communications
Greater Coachella Valley Chamber of Commerce
Greater Los Angeles African American Chamber of Commerce
Hacker Lab

Imperial Valley LGBT Resource Center
Inland Empire Economic Partnership
Innovation Tri-Valley Leadership Group
International Leadership Foundation
International Leadership Foundation Orange County Chapter
Janet Goeske Foundation
Jobs and Housing Coalition
KoBE Government Contracting Alliance
LEAD Projects/NetRoots
Lighthouse Counseling and Family Resource Center
Monterey County Business Council
Monterey Hospitality Benefits Group
Music Changing Lives
OCA Silicon Valley
Oceanside Chamber of Commerce
Organization of Chinese Americans Sacramento Chapter
Orange County Business Council
Orange County Hispanic Chamber of Commerce
Pacific Grove Chamber of Commerce
San Diego North Economic Development Council
San Diego Regional Chamber
San Gabriel Valley Economic Partnership
San Marcos Chamber of Commerce
Santa Ana Chamber of Commerce
Sprint
T Mobile
TechNet
The Fresno Center
The RightWay Foundation
Tracfone
UFCW Local 648
Valley Industry & Commerce Association
Verizon
Young Visionaries Youth Leadership Academy

Item 6



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 6

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: SB 562 (Lara) – The Healthy California Act – Single Payer Healthcare

ATTACHMENT: 1. Summary Memo from Shaw/Yoder/Antwih, Inc.

A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of The Healthy California Act, the Liaisons may recommend the following actions:

- 1) Support SB 562 (Lara);
- 2) Oppose SB 562 (Lara);
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council as this is not part of the City's adopted Legislative Platform. This would be presented as a "C" item at the March 6, 2018 Study Session Meeting.

Attachment 1



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

February 6, 2018

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwhi, Partner, Shaw / Yoder / Antwhi, Inc.
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwhi, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwhi, Inc.

Re: SB 562 (Lara) The Healthy California Act.

Introduction and Background

Last year, Senators Lara and Atkins introduced SB 562, which is co-authored by Senators Galgiani and Wiener and Assembly Member Bonta. SB 562 (Lara) would enact the Healthy California program to provide a universal single-payer health care system for all California residents. The bill would not become operable until the Secretary of Health and Human Services provides notice that they have determined that the Healthy California Trust Fund has revenues to fund the implementation of the bill.

Further, this bill would:

- Establish the Healthy California program, which would be governed by a nine-member unpaid board consisting of four members appointed by the Legislature and five members appointed by the Governor.
 - Four of those members would represent the following entities: a labor organization representing nurses, the general public, a labor organization, and the medical provider community.
- Establish a 22-member public advisory committee, to be appointed by the California Health and Human Services Agency.
- Make every California resident eligible to enroll in the program and prohibit any requirement for them to pay a premium.
- Permit a participating patient to receive health care services from any participating provider, dependent upon the willingness and availability of said provider.
- Permit any health care provider who is licensed and in good standing to participate in the Healthy California program.
- Require the Healthy California Board to adopt regulations related to the establishment of payment methodologies for covered services.

According to the Senate Appropriations Committee, cost estimates for this bill are subject to significant uncertainty, as there are numerous uncertainties about how enrollees, providers, employees, and the state would adapt to such a system. Rebuilding the California health care system from a multi-payer system into a single-payer, fee-for-service system would be an enormous and unprecedent change in a large health care market.

That said, total annual costs are projected to be about \$400 billion per year at full enrollment. Existing federal, state, and local funding of about \$200 billion are estimated to offset a portion of the total program cost. To utilize existing federal funds, the State would need to obtain a waiver from the federal

government allowing funds that would otherwise go to the State of California, Californians, and health care providers through current programs such as Medicaid/Medi-Cal and the Affordable Care Act to instead be deposited into the Healthy California Trust Fund. Approximately \$200 billion in additional tax revenues would be needed to fund the remainder of the total cost. Were this cost to be raised through a new payroll tax (with no cap on wages subject to the tax), the additional payroll tax rate would be about 15% of earned income. The fiscal analysis notes that the overall cost of those new tax revenues would be offset by reduced spending health care coverage by employers and employees, which is currently estimated to be about \$100 - \$150 billion per year, based on limited data.

Status of Legislation

SB 562 (Lara) passed out of the Senate on June 1, 2017 by a margin of 23 Aye votes to 14 Noes with Senators Hueso, Pan, and Roth not casting votes. The bill is currently in the Assembly and has not yet been referred to a policy committee.

Support and Opposition

The bill is sponsored by the California Nurses Association/National Nurses United. The author's office points out that, even though the Affordable Care Act has made great progress in reducing the number of Californians who are uninsured, a lack of insurance is still a problem for immigrant communities, rural communities, working families and young people. According to the author's office, approximately 3 million Californians remain uninsured due to cost or legal status. Proponents of the bill point to uncertainty in the future of the Affordable Care Act at the federal level as a primary reason for a state-based universal health care system.

The bill is opposed by business and health insurance groups who argue that the costs of a single payer system are unsustainable and that government-run health care is inherently less efficient and effective. Opponents also argue that the government bureaucracy created by this bill to manage the State's health care system would ultimately result in significant job losses to the state. Other opponents argue that the State should focus on preserving the progress made under the Affordable Care Act given the uncertainty at the federal level.

SUPPORT

California Nurses Association/National Nurses United (source)

California Insurance Commissioner Dave Jones

13 Pages Progressive Alliance for Government Ethics and Sanity

28ers

9to5 Working Women

A New Path

Alameda Progressives

Albany City Council

Albany Democratic Club

Alliance of Californians for Community Empowerment Institute

Alliance San Diego

AM Green Construction

American Association of Community Psychiatrists

American Civil Liberties Union

American Federation of Musicians Local 47

AFSCME Council 57

AFSCME Retirees Chapter 36
Americans for Democratic Action, Southern California
Arbeter Ring/Workmen's Circle
Arlington Community Church
Art Between Us
Asian Pacific American Labor Alliance
Asian Pacific Environmental Network
Bagg Lady Handbags
Bay Area Chapter of Resource Generation
Bay Area Veterans of the Civil Rights Movement
Bay Rising
Bell Everman, Inc.
Bend the Arc
Berniecrats Labor Alliance Chartered Democratic Club of Yolo County
Biomech Incorporated
Breast Cancer Action
Business Alliance for a Healthy California
Butte County Health Care Coalition
Cabrillo College Federation of Teachers, AFT 4400
California Alliance for Retired Americans
California Association of Marriage and Family Therapists East Bay Chapter
California Capital Chapter of Physicians for a National Health Program
California Center for Rural Policy
California Council of Churches IMPACT
California Democratic Party State Central Committee San Gabriel Valley
California Domestic Workers Coalition
California Faculty Association - San Francisco State University Chapter
California Federation of Teachers, AFT, AFL-CIO
California Foundation for Independent Living Centers
California Health Professionals Student Alliance
California Healthy Nail Salon Collaborative
California Labor Federation, AFL-CIO
California National Organization for Women
California One Care
California Partnership
California Physicians Alliance
California Public Health Association-North
California School Employees Association
California Teachers Association
California Youth Empowerment Network
Californians United for a Responsible Budget
Campaign for a Healthy California
Caring Across Generations
Catalina's List
Central Valley Indivisible
Central Valley-Sierra Progressives
CEO to CEO
Chinese Progressive Association

City and County of San Francisco
City Designworks
City of Berkeley
City of El Cerrito
City of Emeryville
City of Los Angeles
City of Oakland
City of Richmond
City of Richmond- Laurel Park Neighborhood Council
City of West Hollywood
Clergy & Laity United for Economic Justice
Clinica Romero
Code Pink
Communications Workers of American District 9
Community Health Councils
Concilio Latino of West Contra Costa County
Congresswoman Karen Bass
Consider the Homeless
Consumer Federation of California
Contra Costa AFL-CIO Labor Council
County of Marin Board of Supervisors
County of Nevada Board of Supervisors
County of San Clara Board of Supervisors
County of San Francisco Board of Supervisors
Courage Campaign
Courageous Resistance of Humboldt
CREDO Action
Cutting Edge Capital
Decus Biomedical
Dell Arte International
Democracy for America-Marin
Democratic Action Club of Chico
Democratic Club of Carlsbad-Oceanside
Democratic Club of Santa Maria Valley
Democratic Club of Southern Sonoma County
Democratic Party of Contra Costa
Democratic Party of Orange County
Democratic Socialists of America – Los Angeles
Democratic Socialists of America, Orange County Chapter
Democratic Socialists of America, San Francisco
Democratic Socialists of America, Ventura County Chapter
Democratic Women's Club of San Diego County
Democratic Women's Coalition of Tuolumne County
Disability Action Center
Divine Feminine Yoga
Douglas L. Applegate Law Office
East Bay Democratic Socialists of America
East Bay Single Payer Coalition

East Contra Costa Democratic Club
Easter Hill United Methodist Church
Eastlake Bonita Center for Human Rights
Ecological Farming Association
El Cerrito Progressives
Elder Care Providers' Coalition
Elsdon Organizational Renewal
Empowered Investments
Encore
Far Leaves Tea
First They Came for the Homeless
For Grace
Forward Together
Fresno Economic Opportunities Commission
Friends Committee on Legislation
Giraud Photography, Inc.
Give Something Back Office Supplies
Glenview Area Groups for Action
Gray Panthers of San Francisco
Green Party of Alameda County
Green Party of Contra Costa County
Green Party of San Bernardino County
Green Party of Santa Clara County
Green Party of Yolo County
Haight Ashbury Neighborhood Council
Haiks German Autohaus
Hand in Hand
Harvey Milk LGBT Democratic Club
Health Care for All - Alameda County
Health Care for All - California 15 Chapters
Health Care for All - Contra Costa County
Health Care for All - Los Angeles Chapter
Health Care for All - Marin
Health Care for All - Nevada County Chapter
Health Care for All - Sacramento Valley Chapter
Health Care for All - San Fernando Valley Chapter
Health Care for All - San Gabriel Valley County
Health Care for All - Santa Barbara County Chapter
Health Care for All - Santa Clara County Chapter
Healthy California
Human Agenda
Humanist Society of Santa Barbara
Hunger Action Los Angeles
Independent Living Resource Center San Francisco
Indivisible Claremont
Indivisible East Contra Costa County
Indivisible Ladera
Indivisible Mader

Indivisible Orange County
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Inland Greens
International Longshore & Warehouse Union Southern California
J. Glynn & Company
Jane Thomas Press
Jobs with Justice San Francisco
Justice for All Ventura County
Justice for Palestinians
Kate Harris Consulting
KNA Copy Centre
Korean Community Center of the East Bay
Kramer Translations
La Jolla Democratic Club
Labor United for Universal Healthcare
Laguna Woods Democratic Club
Lake County Democratic Central Committee
Lamorinda Peace and Justice Group
Latina/Latino Roundtable
Latino Coalition for a Healthy California
Law & Mediation Office of Leslie A. Levy
Law Offices of Douglas L. Applegate
Lawyers for Good Government
League of Women Voters of California
Legal Services for Children
Lonely Liberals Indivisible of San Luis Obispo County
Long Beach Gray Panthers
Loving Way Midwifery
Low-Income Self Help Center
Lucille Design
Maddala Music
March and Rally Los Angeles
Martin Luther King Coalition of Greater Los Angeles
McGee-SpaULDING Neighbors in Action
Media Alliance
Merced Collective Action Network
Mi Familia Vota
Mini-Vacation Massage
Mobilize the Immigrant Vote
Monkey Out, Voters In
Monkey Wrench Brigade
Mountain Bears Democratic Club
Mt. Diablo Peace and Justice Center
Multi-Faith ACTION Coalition
Musicians Union Local 6
National Association of Retired and Veteran Railway Employees
National Association of Social Workers

National Association of Social Workers-Fresno County
National Economic and Social Rights Initiative
National Union of Health Care Workers
Nevada County Democratic Women's Club
Nevada County Green Party
No Coal in Oakland
North Bay Jobs with Justice
Oakland Livable Wage Assembly
Oakley, California Mayor Sue Higgins
Occupy Torrance
One Page Plan
Organizacion en California de Lideres Campesinas, Inc.
Otis Chiropractic Neurology, Inc.
Our Developing World
Our Revolution
Our Revolution, Long Beach
Our Revolution, West San Fernando Valley
Pacific Palisades Democratic Club
Pacifica Social Justice
Painters & Allied Trades District Council 36
Peace and Freedom Party of California
People Power of Marina Del Ray
Peralta Retirees Organization
Physicians for a National Health Program CA
Pilipino Workers Center of Southern California
Pomona Valley Democratic Club
Poverty Matters
ProData Solutions
Progressive Action for Glendale
Progressive Asian Network for Action
Progressive Asset Management
Progressive Democrats of America - California
Progressive Democrats of America - Greater Palm Springs Area
Progressive Democrats of America - Lake County Chapter
Progressive Democrats of America - Orange County Chapter
Progressive Democrats of America - San Francisco Chapter
Progressive Democrats of America - Santa Monica Chapter
Progressive Democrats of America - Ventura County Chapter
Project Inform
Rancho Penasquitos Democratic Club
Resource Generation
Richmond Progressive Alliance
Riverside All of Us or None
Riverside County Young Democrats
Riverside Temple Beth El
San Francisco Berniecrats
San Francisco Green Party
San Francisco Labor Council

San Francisco Latino Democratic Club
San Joaquin Valley Democratic Club
San Jose Peace and Justice Center
San Mateo Central Labor Council
Santa Barbara Women's Political Committee
Santa Clara County Board of Supervisors
Santa Clara County Green Party San Francisco Berniecrats
Santa Cruz for Bernie
Santa Cruz Indivisible
Santa Rosa Democratic Club
School of the America Watch Los Angeles
Senior and Disability Action
Sierra Foothills Democratic Club
Sign Display and Allied Crafts Local Union No. 510
Silicon Valley Independent Living Center
SoCal 350 Climate Action
Social and Economic Justice Coalition
Social Justice Alliance of the Interfaith Council of Contra Costa
Sol2Economics
South Bay Labor Council
Steve Giraud Photography
Strike Debt
Sue's Hair Salon
Sunflower Alliance
TDA Investment Group
Tenants Together
The Democracy Project
The Latina/Latino Roundtable
The Refill Shop
Therapists for Single Payer
Together to End Solidarity Santa Cruz
Trout in Hand Productions
Tuolumne County Democratic Central Community
Tuolumne County Democratic Club
UFCW, Local 5
Unitarian Universalist Justice Ministry of California
United Democrats of El Dorado County
United Electrical, Radio, and Machine Workers of America Western Region
United Steelworkers, Local 2801
United Steelworkers, Local 675
UNITE-HERE, AFL-CIO
University Council American Federation of Teachers Local 1474
University Professional and Technical Employees, Local 9119
Uprise Campaigns
Veterans Democratic Club of LA County
Veterans for Peace, South Bay Chapter
Vision y Compromiso
Voices for Mothers and Others

Wellstone Democratic Renewal Club
Word Spark Writing & Editing
Yes We Can Democratic Club
Yolo MoveOn
Numerous individuals

OPPOSITION

America's Health Insurance Plans
Anthem Blue Cross
Association of California Insurance Companies
Association of California Life & Health Insurance Companies
Bay Area Council
BizFed, Los Angeles County Business Federation
Blue Shield of California
California Association of Health Plans
California Association of Health Underwriters
California Business Roundtable
California Chamber of Commerce
California Farm Bureau Federation
California Framing Contractors Association
California League of Food Processors
California Manufacturers & Technology Association
California Medical Association
California Professional Association of Specialty Contractors
California Retailers Association
California Taxpayers Association
California Trucking Association
Camarillo Chamber of Commerce
El Centro Chamber of Commerce and Tourist Bureau
Fresno Chamber of Commerce
Greater Riverside Chambers of Commerce
Greater San Fernando Valley Chamber of Commerce
Health Net
Howard Jarvis Taxpayers Association
Independent Insurance Agents and Brokers of California
Kaiser Permanente
Long Beach Chamber of Commerce
Molina Healthcare
Murrieta Chamber of Commerce
National Association of Insurance and Financial Advisors of California
National Federation of Independent Business
North Orange County Chamber of Commerce
Oceanside Chamber of Commerce
Orange County Business Council
Oxnard Chamber of Commerce
Redondo Beach Chamber of Commerce and Tourist Bureau
Santa Maria Valley Chamber of Commerce

South Bay Association of Chambers of Commerce
Southwest California Legislative Council
Torrance Chamber of Commerce
Valley Industry and Commerce Association
Western Growers Association
Yuba-Sutter Chamber of Commerce

Item 7



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

Item 7

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: SB 946 (Lara) – Sidewalk Vendors

ATTACHMENT: 1. Summary Memo from Shaw/Yoder/Antwih, Inc.

A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of SB 946 (Lara) – Sidewalk Vendors, the Liaisons may recommend the following actions:

- 1) Support SB 946 (Lara);
- 2) Oppose SB 946 (Lara);
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

As this item falls within the City's adopted Legislative Platform due to Local Control, staff can proceed with any direction provided for letters of support/opposition.

Attachment 1



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

February 6, 2018

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwihi, Partner, Shaw / Yoder / Antwihi, Inc.
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwihi, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwihi, Inc.

Re: **SB 946 (Lara) Sidewalk Vendors.**

Introduction and Background

Senator Lara introduced SB 946, which would prohibit a local authority from regulating or prohibiting sidewalk vendors without first establishing a sidewalk vending licensing program. A local authority that elects to adopt a sidewalk vendor licensing program could adopt time, place, and manner restrictions on sidewalk vendors. However, those restrictions could not restrict the location of a vendor unless such a restriction is directly related to health, safety, or welfare concerns, nor could they unreasonably limit a sidewalk vendor to operating only in a designated neighborhood or area. Vendors who violate the standards and licensing requirements adopted by a local jurisdiction would be subject to an administrative fine.

A local jurisdiction's vendor licensing program would not be allowed to do the following:

- Prohibit a licensed sidewalk vendor from selling food or merchandise in a park.
- Require a licensed vendor to obtain consent or approval from any nongovernmental entity prior to selling food or merchandise.
- Unreasonably restrict sidewalk vendors to operate only in certain neighborhoods or areas.
- Restrict the overall number of sidewalk vendor licenses.

Status of Legislation

SB 946 (Lara) is currently in the Senate and has not yet been referred to a policy committee.

Support and Opposition

The author's office points to the economics benefits of street vending for both individuals and communities as a key reason why local jurisdictions should not be allowed to ban the practice outright nor impose onerous regulations. The author asserts that street vending is a way for poor people to make ends meet and is an opportunity for entrepreneurship and economic mobility.

There is currently no formal opposition to the bill.

Item 8



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 8

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: AB 1876 (Frazier) Sacramento-San Joaquin Delta: Delta Stewardship

ATTACHMENT:

- 1. Summary Memo from Shaw/Yoder/Antwih, Inc.
- 2. Coalition Letter

A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

The City has been requested by the Metropolitan Water District to consider signing on to a coalition letter in opposition to this bill (Attached). Should the Liaisons desire to oppose this bill, they can direct staff to sign on to this letter and/or author a separate letter of opposition. Alternatively, the Liaisons may support or remain neutral to this legislation. City Staff is recommending a position of opposition.

Attachment 1



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

February 6, 2018

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwihi, Partner, Shaw / Yoder / Antwihi, Inc.
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwihi, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwihi, Inc.

Re: AB 1876 (Frazier) Sacramento-San Joaquin Delta: Delta Stewardship Council.

Introduction and Background

The Delta Stewardship Council was created by the Sacramento-San Joaquin Delta Reform Act of 2009. As originally established, the Stewardship Council consists of 7 members and is tasked with developing, adopting, and implementing a comprehensive management plan for the Delta. All state or local public agencies that propose to undertake certain actions within either the Delta or the Suisun Marsh are required to submit to the Council a specific written certification of the consistency of those actions with the comprehensive plan that the Council developed. The Act also established an appeal process through which an individual can claim that a proposed action is inconsistent with the management plan.

AB 1876 (Frazier) proposes to expand the number of individuals on the Council to 11 voting members and two non-voting members. The voting member additions would include:

- One member appointed by the municipal selection committee in the primary zone of the Delta
- One member appointed by the municipal selection committee in the secondary zone of the Delta
- One member with expertise in Delta agricultural interests
- One member with expertise in Delta small business interests
 - Both of these members need to have a primary residence in the Delta and be appointed by a selection committee organized by the Boards of Supervisors of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties

The non-voting member additions would include:

- One member of the Senate appointed by the Senate Committee on Rules
- One member of the Assembly appointed by the Speaker of the Assembly
 - Both of these members must represent areas within the primary zone of the Delta
 - These members shall constitute a joint interim investigating committee

Status of Legislation

AB 1876 (Fraizer) was referred to the Assembly Committee on Water, Parks and Wildlife and has yet to be set for hearing.

Support and Opposition

Support

There is currently no formal Support registered for this bill.

Opposition

Alameda County Water District
Alameda County Zone 7 Water Agency
Antelope Valley East Kern Water Agency
California Building Industry Association
California Chamber of Commerce
Calleguas Municipal Water District
Central Coast Water Authority
Coachella Valley Water District
Desert Water Agency
East Orange County Water District
Eastern Municipal Water District
Elsinore Valley Municipal Water District
Foothill Municipal Water District
Jurupa Community Services District
Las Virgenes Municipal Water District
Long Beach Water Department
Metropolitan Water District of Southern California
Mojave Water Agency
Municipal Water District of Orange County
Rancho California Water District
Rowland Water District
San Bernardino Valley Municipal Water District
San Gabriel Valley Municipal Water District
San Gorgonio Pass Water Agency
Santa Clara Valley Water District
Santa Clarita Valley Water Agency
Three Valleys Municipal Water District
Tulare Lake Basin Water Storage District
Valley Ag Water Coalition
Walnut Valley Water District
Western Municipal Water District
Westlands Water District

Attachment 2

Alameda County Water District
Alameda County Zone 7 Water Agency
Antelope Valley East Kern Water Agency
California Building Industry Association
California Chamber of Commerce
Calleguas Municipal Water District
Central Coast Water Authority
Coachella Valley Water District
Desert Water Agency
East Orange County Water District
Eastern Municipal Water District
Elsinore Valley Municipal Water District
Foothill Municipal Water District
Jurupa Community Services District
Las Virgenes Municipal Water District
Long Beach Water Department
Metropolitan Water District of Southern California
Mojave Water Agency
Municipal Water District of Orange County
Rancho California Water District
Rowland Water District
San Bernardino Valley Municipal Water District
San Gabriel Valley Municipal Water District
San Gorgonio Pass Water Agency
Santa Clara Valley Water District
Santa Clarita Valley Water Agency
Three Valleys Municipal Water District
Tulare Lake Basin Water Storage District
Valley Ag Water Coalition
Walnut Valley Water District
Western Municipal Water District
Westlands Water District

AB 1876 (Frazier) – Delta Stewardship Council: **OPPOSE**

February X, 2018

Assembly Member Jim Frazier
California State Assembly
State Capitol, Room 3091
Sacramento, CA 95814

Re: AB 1876 (Frazier) – Delta Stewardship Council: **OPPOSE**
Assigned to Assembly Water, Parks and Wildlife Committee

Dear Assembly Member Frazier:

We, the undersigned, regret to inform you of our opposition to your bill, AB 1876, a bill which seeks to revise the composition of the Delta Stewardship Council (Council).

The current appointment format for the Council, as established by the Legislature in 2009, reflects the statewide interests of its actions. Two-thirds of Californians depend directly on water supplies from the Delta. Nearly 95 percent of all Californians get some or all of their water from the Delta watershed, which comes from rainfall and snowmelt in the upper watersheds and Sierra Nevada Mountains. The Delta is also the largest estuary in the western hemisphere, making it of international ecological importance.

The Council is tasked with developing and implementing a Delta Plan that seeks to coordinate the actions of dozens of local, state and federal agencies with decision-making authority over projects and programs in the Delta. Only one region, under existing law, has a guaranteed seat on this seven-member Council, that being the automatic appointment of the chair of the Delta Protection Commission. The State Assembly, State Senate and Governor also make appointments essential to achieving the Council's mission, which may include other representatives from the Delta region.

Altering the makeup of the Council so that it is dominated by in-Delta interests could create a potential bias against projects that have a statewide benefit or, in contrast, in support of proposed land development within the Delta, which was identified in the Delta Plan by the Council as among the threats to the region.

The Delta counties, both directly and through their legislative representatives, largely opposed the creation of the Delta Stewardship Council in 2009. Many of these jurisdictions opposed to the Delta Plan are also seeking to weaken it through the courts and support AB 1876.

A disproportionate representation of local jurisdictions that have been opposed to the Council and its Delta Plan risk the state achieving the co-equal goals of a restored Delta and a reliable water supply for California. Distributing Council seats based on geography is contrary to the Council's statewide mission and will frustrate finding fair and balanced solutions in the Delta going forward.

For all of the above reasons, we must oppose AB 1876 and will urge members of the Assembly Water, Parks and Wildlife Committee to vote NO on your bill.

Sincerely,



Robert Shaver
General Manager
**Alameda County Water
District**



Erin Guerrero
VP of Legislative Affairs
**California Building
Industry Association**



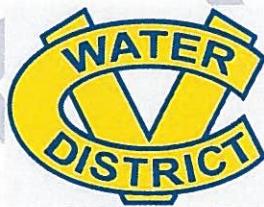
Valerie Nera
Policy Advocate
Cal Chamber



Susan B. Mulligan
General Manager
**Calleguas Municipal
Water District**



Ray Stokes
Executive Director
**Central Coast Water
Authority**



Jim Barrett
General Manager
**Coachella Valley Water
District**



Mark S. Krause
General Manager
Desert Water Agency



Paul Jones, II
General Manager
**Eastern Municipal Water
District**



John D. Vega
General Manager
**Elsinore Valley Municipal
Water District**



Nina Jazmadarian
General Manager
**Foothill Municipal
Water District**



Todd M. Corbin
General Manager
**Jurupa Community
Services District**



David Pedersen
General Manager
**Las Virgenes Municipal
Water District**



Long Beach
Water Department

Chris Garner
General Manager
Long Beach Water
Department



Jeff Kightlinger
General Manager
Metropolitan Water
District of Southern
California



Mojave
Water
Agency

Tom McCarthy
General Manager
Mojave Water Agency



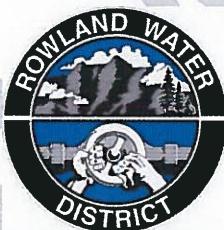
Robert Hunter
General Manager
Municipal Water District
of Orange County



Mark Gilkey
General Manager
Tulare Lake Basin Water
Storage District



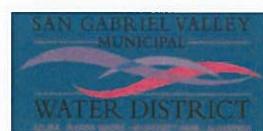
Jeffrey Armstrong
General Manager
Rancho California Water
District



Tom Coleman
General Manager
Rowland Water District



Douglas Headrick
General Manager
San Bernardino Valley
Municipal Water District



Darin Kasamoto
General Manager
San Gabriel Valley
Municipal Water District



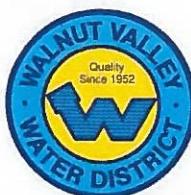
Steve Cole
Government Affairs
Santa Clarita Valley
Water Agency



Richard W. Hansen, P.E.
General Manager/
Chief Engineer
Three Valleys Municipal
Water District



Robert Reeb
Executive Director
Valley Ag Water
Coalition



Michael Holmes
General Manager
Walnut Valley Water
District



Craig Miller
General Manager
**Western Municipal Water
District**



Westlands Water District



Jill Duerig
General Manager
**Alameda County Zone 7
Water Agency**



Jeffrey W. Davis
General Manager
**San Gorgonio Pass Water
Agency**



Norma Camacho
General Manager
**Santa Clara Valley Water
District**



Dwayne Chisam
General Manager
**Antelope Valley East
Kern Water Agency**



Lisa Ohlund
General Manager
**East Orange County
Water District**

cc: Members of the Assembly Water, Parks and Wildlife Committee
Ryan Ojakian, Principal Consultant, Assembly Water, Parks and Wildlife Committee
Robert Spiegel, Policy Consultant, Assembly Republican Caucus

Jessica Pearson, Executive Director, Delta Stewardship Council

Item 9



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 9

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Senior Management Analyst
DATE: February 12, 2018
SUBJECT: SB 828 (Weiner) – Land Use: Housing Element
ATTACHMENT: 1. Summary Memo from Shaw/Yoder/Antwih, Inc.

A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of SB 828 (Wiener) the Liaisons may recommend the following actions:

- 1) Support SB 828 (Weiner);
- 2) Oppose SB 828 (Weiner);
- 3) Remain neutral;
- 4) Defer taking a position until the full text of the bill becomes available; or
- 5) Provide other direction to City staff.

Attachment 1



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

February 6, 2018

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwihi, Partner, Shaw / Yoder / Antwihi, Inc.
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwihi, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwihi, Inc.

Re: SB 828 (Wiener) Land Use: Housing Element.

Introduction and Background

While SB 828 (Wiener) currently contains only intent language, the stated intent of the bill is to require the Department of Housing and Community Development to take actions relative to unmet housing needs. Such actions are to include a comprehensive assessment on unmet need for each region, which would be included in regional allocations for the next housing element cycle. The author's office has stated that the intent of the bill is to strengthen the Regional Housing Needs Assessment (RHNA) by increasing state oversight over local and regional housing obligations.

Status of Legislation

SB 828 (Weiner) was referred to the Senate Rules Committee and has not yet been referred to a policy committee.

Support and Opposition

The author's office argues that the RHNA process is not working properly, as the state's population forecasts do not take into account the underproduction of housing in some communities. The author claims that this in turn artificially limits population growth, creating the illusion of slowing or static growth. The author's office also asserts that the methodology established by each regional government results in allocations that are not based on true housing demand.

There is currently no formal opposition to the bill.

Support

Bay Area Council

Los Angeles Business Council

Silicon Valley Leadership Group

Item 10



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 10

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Senior Management Analyst
DATE: February 12, 2018
SUBJECT: Costa Hawkins Act
ATTACHMENT: 1. None

INTRODUCTION

This item is being brought forward for discussion at the request of Councilmember John Mirisch.

DISCUSSION

The Costa-Hawkins Rental Housing Act ("Costa-Hawkins") is a California state law, enacted in 1995, which places limits on municipal rent control ordinances. Costa-Hawkins prohibits cities from establishing rent control over certain kinds of residential units (e.g., single family dwellings, and newly constructed units, which are both deemed exempt). It also prohibits municipal "vacancy control", also called "strict" rent control.

In 2017, State Assemblymember Richard Bloom co-authored AB 1506 which would have repealed the state's Costa-Hawkins Act. This legislation died when it failed to pass out of the Assembly Committee on Housing and Community Development on January 11, 2018.

Currently there is an initiative circulating for signature to attempt to qualify the repeal of Costa Hawkins for the November Ballot.

RECOMMENDATION

Staff is requesting direction from the Liaisons on this item.

Item 11



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT
MEMORANDUM

Item 11

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: February 12, 2018

SUBJECT: Ellis Act

ATTACHMENT: 1. None

INTRODUCTION

This item is being brought forward for discussion at the request of Councilmember John Mirisch.

DISCUSSION

The Ellis Act is a state law that allows landlords to evict residential tenants in order to "go out of the rental business". To take advantage of the Ellis Act, a landlord must terminate all residential tenancies and withdraw all "accommodations". Therefore, a landlord cannot terminate the tenancies of rental units with lower, rent-controlled rents while maintaining the market rate tenancies.

RECOMMENDATION

Staff is requesting direction from the Liaisons on this item.