



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 August 21, 2017
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) Request for support from Southern California Edison for their EV/Transportation Electrification Initiative
- 3) Update on federal legislation and budget
- 4) Consider taking a position on SB 384, as amended, Wiener. Alcoholic beverages: hours of sale
- 5) Consider taking a position on SB 10, as amended, Hertzberg. Bail: pretrial release
- 6) Consider taking a position on SB 21, as amended, Hill. Law enforcement agencies: surveillance: policies.
- 7) Taking Back Our Community
- 8) Review Affordable Housing Package, including but not limited to SB 35 and ACA 11
- 9) Discuss AB 84, as amended, Mullin. Primary elections and SB 568, as amended, Lara. Primary elections
- 10) Adjournment

for 
Byron Pope, City Clerk

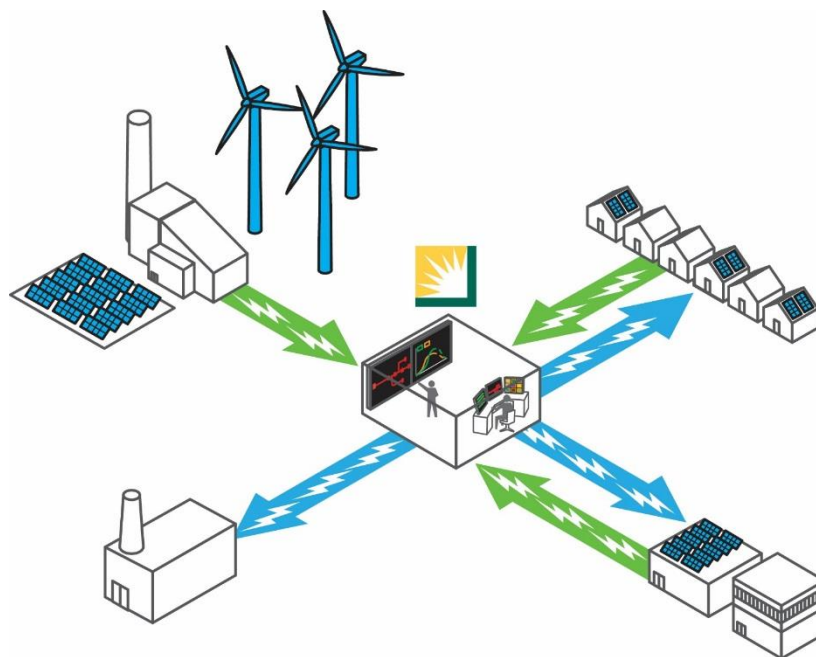
Posted: August 18, 2017

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.





1. SCE
2. Transportation Electrification, the Environment and Jobs

About Southern California Edison

One of U.S. largest electric utilities:

- Over 28% renewables today
- 50% by 2030
- Green rate: 100 %

Significant infrastructure expenditures

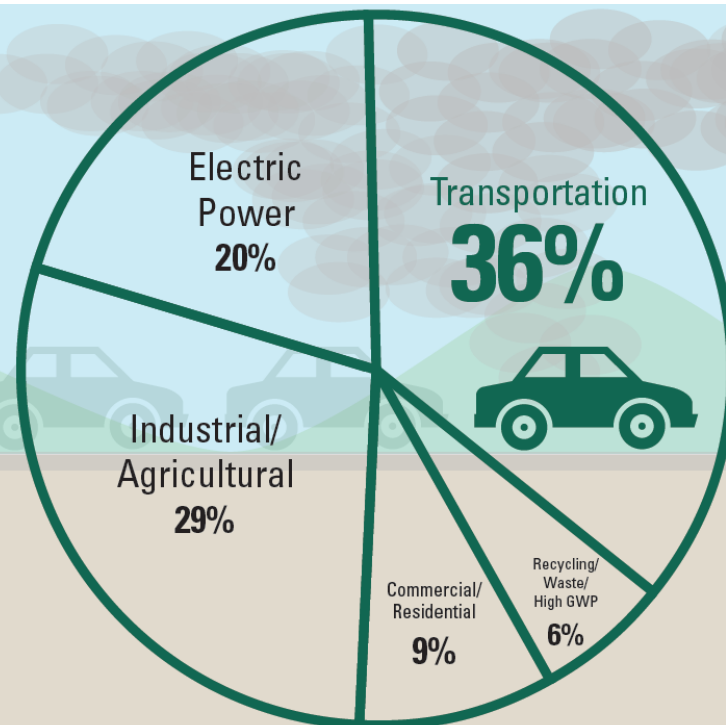


Moving the needle on California's environmental goals requires significant investment in Transportation Electrification

Transportation is a **BIG** Greenhouse Gas Problem

Did you know that 40% of the goods entering the nation are being moved through Southern California's ports and highways?

While the goods movement industry is crucially important to the state and local economy, the transportation sector is responsible for 36% of California's GHG emissions.



SCE is leading the way in transforming the energy sector

SCE's Transportation Electrification (TE) filing demonstrates the company's commitment to supporting California's environmental goals and will help **accelerate EV adoption**.



Greenhouse Gas Goals for California

California's goals to reduce the state's total GHG emissions by 40% from 1990 levels by 2030 and 80% by 2050 are some of the most ambitious environmental goals in the world. To help meet these goals, transportation electrification would account for 19 million metric tons of emissions abatement in California.

“We must offer acceptance, availability and affordability to all Californians,” Laura Renger, SCE Principal Manager on Air and Climate on breaking barriers for Electric Vehicles

USC Price
Sol Price School of Public Policy

BUILDING CAPACITY FOR LEADERS

Forum

SCE's TE vision centers around acceptance, availability and affordability of fueling

SCE Role	Barrier Addressed	Infrastructure
Availability	Infrastructure Infrastructure necessary to fuel EVs	Affordability Low cost in comparison to traditional vehicles
Rate design	Infrastructure <ul style="list-style-type: none">• Charge network development and expansion, including charging infrastructure• Funding for medium and heavy duty truck charging infrastructure• Building vehicle charging infrastructure for electric school buses• Building urban DC Fast Charger (DCFC) stations	Affordability <ul style="list-style-type: none">• Charge network expansion for long-distance charging corridor• Reduce the all-in costs "ready-to-go" for commercial customers• Reduce the charging stations for medium & heavy duty truck customers
Innovative Collaborations	Rate design Rates designed to encourage EV adoption	Innovative Collaborations Port electrification projects, such as cargo-handling equipment




SCE Role

Infrastructure

Rate design

Innovative Collaborations

Proposed programs in the Jan application span transportation sub-sectors, targeting both GHG and air-quality abatement opportunities

	Description	Cost	Duration	Key Partners ¹	
 Light duty	Customer rebate for residential charging station installation - Offer rebates to expand make-ready program to residences (not covered by Charge Ready)	\$4M	1 Yr	EV Owners, Site Hosts, Charging Station Provider/Operator, ED, CARB, Environmental Orgs, Environmental Justice Groups, SCAG, COGs, Advisory Board Participants (where applicable)	Electricians,
	Building urban DC Fast Charger (DCFC) clusters - Deploy cluster of five DC fast charge stations to test if those who don't have access to nighttime charging can use this instead (also ridesharing drivers and others)	\$4M	1 Yr		Community leaders, MUDs, Rideshare and Taxi Companies
	Bonus reward to rideshare/taxi drivers who use EVs - Offer driver bonus to incentivize ridesharing (with focus on low-income)	\$4M	1 Yr		Rideshare & Taxi companies
 Trucks, Buses, Forklifts	Rates designed to incentivize EV adoption - Propose a new rate ² to mitigate demand charge barriers to stand-alone DC fast charge stations, fleets and other commercial	N/A	10 Yr		C&I customers, Transit Agencies, AQMD
	Funding for medium- and heavy-duty vehicle charging infrastructure ³ - Build make readies and charging station rebates ³ for electric trucks, buses, shuttles, port and material handling equipment	\$553M	5 Yr		
	Building vehicle charging infrastructure for electric transit buses - Provide infrastructure and charging station rebates ³ for early-adopter transit agencies	\$4M	1 Yr		
 Port	Two Port of Long Beach electrification projects - Make readies for Port of Long Beach gantry crane and yard tractor electrification	\$3.5M (total)	1 Yr (each)		POLB, Terminal Operators

¹ Program also supports public funding programs: IRS (tax credits), ARB (CVRP, LCT, HVIP), SCAQMD (Carl Moyer)

² New rate design proposal contains new tariffs for three customer classes based upon demand size

³ Rebates will only be available in sectors with technology that meets applicable standards

“Electric-Vehicle Jobs Boom Is On...”

“Absolutely we are bringing in new companies,” Boehm said, estimating there are up to 100,000 jobs in Southern California under the advanced transportation technology umbrella. “They are all well-paying, skilled jobs.” Michael Boehm, Director of the Advanced Transportation Center of Southern California/LAEDC

By **Steve Scauzillo**,

POSTED: 04/16/17,

But the decline of that once dominant industry opened up opportunities for others in need of high-skilled help. Tens of thousands of new jobs might now need to be filled as part of a loosely knit cluster of companies in what’s known as the advanced-transportation technology sector.

In other words, the electric-vehicle jobs boom is on.

A record six companies are manufacturing electric buses in Southern California. Others are making electric cars, or EV components. Some are farming out production, but hiring the brains: civil, electrical and software engineers laid off from aerospace

companies, as well as designers, analysts and human relations managers. They are part of a tech-and-transit boom popping up in places such as Santa Monica, West Los Angeles and the South Bay — otherwise now known as “Silicon Beach” — downtown Los Angeles, Orange County, the San Gabriel Valley and the Inland Empire.

SAN GABRIEL VALLEY TRIBUNE



Abas Goodarzi, President of US Hybrid. Located in Torrance, the company integrates fuel cell and electric power components into existing trucks, light vehicles and busses. After removing engine and transmission, high tech fuel cells, batteries and electric engines are installed.

Brad Graverson/Staff Photographer

...Westside leading the way

Delphi Automotive Systems in Malibu

Hyperloop Transportation Technologies in Culver City.

SCE and Beverly Hills Working Together

Beverly Hills General Plan-Climate Change

A key theme of the City of Beverly Hills General Plan is to “Live Lightly” as a means to reduce our carbon footprint. The General Plan takes steps to address the challenging issue of climate change by reducing GHG emissions, improving energy efficiency, reducing the urban heat island effect, recycling, and managing water use.

369 US Climate Mayors commit to adopt, honor and uphold Paris Climate Agreement goals

Mayor Lili Bosse

City of Beverly Hills, CA





Beverly Hills background info., August 2017

Transportation Electrification Proposals include:

- **Rates designed to incentivize EV adoption.** This attractive rate option for EV owners would eliminate demand charges during an introductory period and stimulate charging during periods of the day that benefit both customers and the grid (i.e., low-cost periods during the day to support integration of renewable energy).
- **Funding for medium- and heavy-duty vehicle charging infrastructure.** As in the Charge Ready program, SCE would install infrastructure on a customer's site and provide a rebate toward the purchase of the charging station. In addition to trucks, this program would support plug-in buses, forklifts and other off-road equipment. While it is not part of the current filing, SCE will be exploring options with the South Coast Air Quality Management District and other stakeholders for a zero-emission freight movement program for transporting freight from the Port of Long Beach to inland distribution hubs.

A number of short-term pilot programs are also part of the package:

Light duty vehicles (86 percent of transportation-related GHG by 2030.) With current incentives, EV's are cost competitive with traditional vehicles, but public charging infrastructure is necessary to reduce range anxiety. This is a fundamental problem, because availability of charging infrastructure stimulates demand for EVs. Additionally, new modes of travelling, such as ridesharing and autonomous vehicles, may require different kinds of charging support, including DC fast charging.

- **Building urban Direct Current Fast Charger (DCFC) clusters.** SCE would install five DC fast-charge sites in urban areas. Each site would have up to five dual-port charging stations for a total of 50 DCFC ports. The sites would be located in publicly accessible urban locations — for example, near a corridor, downtown or in high-density apartments.
- **Customer rebate for residential charging station installation.** SCE would provide a rebate to residential customers living in single-family residences or smaller multi-unit dwellings not covered in the Charge Ready program to install a "make-ready," which is the electrical infrastructure required in a garage or at a parking space to support EV charging. The rebates would alleviate the cost of installing a new circuit and, for some customers, the cost of a new panel. This is of particular interest on the Westside to landlords and renters, since a high percentage of residents live in multi-family apartments.
- **Bonus reward to rideshare/taxi drivers who use EVs.** SCE proposes a monetary reward to rideshare and taxi drivers who use an EV and exceed a specified number of rides during a given time period. The pilot promotes the use of EVs in rideshare services, increases EV miles traveled and introduces more passengers to the experience of riding in an EV. Ride-sharing services expect to cover 40 per cent of the vehicle miles travelled in high-density urban markets by 2025. (McKinsey). SCE's proposed pilot will help leverage these benefits and learn more about this new market.
- **Port electrification projects.** At the Port of Long Beach, SCE would install charging infrastructure for the electrification of equipment used to unload and move goods containers from ships to off-port transportation vehicles currently powered by diesel engines.
- **Building vehicle charging infrastructure for electric transit buses.** Similar to the medium- and heavy-duty vehicle program, SCE is proposing a one-year pilot to install infrastructure and provide a rebate toward the purchase of the charging stations for buses. This project will focus specifically on progressive transit agencies that are already preparing to receive electric buses and will provide charging infrastructure to speed adoption of electric transit buses.



CITY OF BEVERLY HILLS

POLICY AND MANAGEMENT

TO: Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: August 18, 2017

SUBJECT: Update on Federal Legislation and Budget

Verbal update to be provided by Jaime Jones with David Turch & Associates.



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

August 16, 2017

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: SB 384 (Wiener) Alcoholic beverages: hours of sale.

Introduction and Overview

Senator Wiener and Senator Anderson co-introduced SB 384, which creates a process by which on-sale licensees, defined as those permitted to sell alcohol for on-site consumption, may apply for a permit from the Department of Alcoholic Beverage Control (ABC) that would authorize them to sell, give, or purchase alcohol at licensed premises between the hours of 2 a.m. and 4 a.m. Existing law makes it a misdemeanor to sell, give, deliver, or purchase an alcoholic beverage between 2 a.m. and 6 a.m.

Specifically, this bill:

- Allows the Department of ABC to authorize, at individual on-sale premises, the selling, giving, or purchasing of alcohol between the hours of 2 a.m. and 4 a.m. if the governing body of that city, county, or city and county does the following:
 - Creates a task force with at least one member of law enforcement to develop a local plan that meets the following requirements:
 - Shows that the public convenience or necessity will be served.
 - Identifies the area that will be affected and shows how the area will benefit.
 - Demonstrates support from residents and businesses in the affected area.
 - Includes an assessment by local law enforcement and a public safety plan.
 - Shows transportation services are readily accessible during the extended hours.
 - Certifies and submits a local plan to the Department of ABC.

This bill also requires that applicants notify law enforcement agencies, residents within 500 ft. of the premises, and other interested parties determined by the local governing body within 30 days of filing the application, and that the local governing body be notified if additional hours are to be authorized.

Support and Opposition

Proponents of the bill assert that it would provide local governments and communities with flexibility in their nightlife regulations, and note the economic benefit that this would bring to their communities.

Opponents of the bill point to health and safety concerns and argue that SB 384 will lead to quality of life issues and projected increases in DUI accidents and fatalities. They also point to the negative impacts on areas surrounding or adjacent to areas/localities with extended serving hours.

Legislative Update

SB 384 will next be heard in the Assembly Appropriations Committee on August 23, 2017. SB 384 is preceded by SB 635 (Leno, 2013) and by AB 2433 (Leno, 2004) which were both held in committee. SB 384 has moved further in the legislature than either of these previous bills.

SUPPORT:

Anaheim Chamber of Commerce
California Hotel & Lodging Association
California Music & Culture Association
California Restaurant Association
California Teamsters Public Affairs Council
California Travel Association
City and County of San Francisco
City of Oakland
Council on Alcoholism and Drug Abuse
Elizabeth Peterson Group
Hotel Council of San Francisco
LAX Coastal Chamber of Commerce
Los Angeles Area Chamber of Commerce
Lyft
Mayor Edwin Lee, San Francisco
San Francisco Bar Owner Alliance
San Francisco Chamber of Commerce
San Francisco Taxi Workers Alliance
San Francisco Travel Association
Uber Technologies
UNITE-HERE, AFL-CIO
Valley Industry and Commerce Association
West Hollywood Chamber of Commerce

OPPOSITION:

A Sobering Choice Coalition
AADAP, Inc.
ADAPT Lamorinda
ADAPT San Ramon Valley
Alcohol Justice
Alcohol Policy Panel of San Diego County
Barbary Coast Neighborhood Association
California Alcohol Policy Alliance
California College and University Police Chiefs Association
California Council for Alcohol Problems
Coalition for Drug Free Escondido
Coalition to Prevent Alcohol-Related Harms in LA Metro
Council on Alcoholism and Drug Abuse
County Behavioral Health Directors Association of California

County of Marin Board of Supervisors
Friday Night Live Partnership
Health Officers Association of California
Hollywood Hills Recovery
Los Angeles Drug and Alcohol Policy Alliance
Lutheran Office of Public Policy-California
Mothers Against Drunk Driving
Mountain Communities Coalition Against Substance Abuse
National Council on Alcoholism and Drug Dependence – Orange County
National Council on Alcoholism and Drug Dependence – San Fernando Valley
North Coastal Prevention Coalition
Partnership for Positive Pomona
Project SAFER Educational Foundation
Pueblo y Salud, Inc.
Rethinking Alcohol and other Drugs
San Diego Police Chiefs' and Sheriff's Association
San Marcos Prevention Coalition
Santee Collaborative
Santee Solutions Coalition
SF Prevention Coalition
Sonoma County Board of Supervisors
Tarzana Treatment Centers
The Wall Las Memorias Project
United Methodist Church
United Neighborhoods for Los Angeles
Wellness & Prevention Center
West Hollywood Project
Westside Impact Coalition
Numerous letters from the public



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

August 15, 2017

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: SB 10 (Hertzberg) Bail: pretrial release.

Introduction and Background

Senator Hertzberg introduced SB 10 which would revise California's pretrial release system by transitioning from a monetary-based system to a risk-based system.

Specifically, this bill:

- Limits pretrial detention to specific persons.
- Eliminates the use of bail schedules.
- Establishes pretrial service agencies tasked with conducting risk assessments on arrested persons and preparing reports with recommendations for conditions of release.

In California, bail is a constitutional right except in specific circumstances. Currently courts require many defendants to deposit monetary bail in order to be released from custody. The amount required is determined either by each county's bail schedule (before the defendant is brought before a court) or by an individualized determination of the appropriate amount of bail (after the defendant is brought before a court).

Legislative Update

This bill will next be heard in the Assembly Appropriations Committee.

Arguments in Support and Opposition

Supporters of SB 10 believe this legislation will address widespread problems in the pretrial system and offer considerable savings to taxpayers while at the same time enhancing public safety. The author states that the current system comes at a great cost to both detained individuals and local governments. He points to research that has shown a high correlation between pretrial detainment and higher rates of subsequent criminal activity. He also argues that unnecessary pretrial detention wastes taxpayer dollars to detain people who have not been convicted of a crime. The Ella Baker Center for Human Rights states that California spends \$1.8 billion annually to lock up people who are waiting to go to court.

Stakeholders in opposition are concerned that SB 10 would take away local control and impose tremendous logistical problems, resulting in the release of dangerous individuals to the detriment of public safety. The Chief Probation Officers of California advocate for the importance of each jurisdiction's ability to determine and assign pre-trial responsibilities rather than those responsibilities being dictated by a single county pretrial services agency. The California District Attorneys Association contest that California's current pretrial release procedures help to ensure that dangerous defendants

are not released and that the court is already authorized to use wide discretion for defendants who do not pose such risks. They also believe SB 10 would make it onerous to detain dangerous defendants before a trial because of limits it places on the amount of time that may elapse before arraignment.

SUPPORT:

American Civil Liberties Union (Co-Sponsor)
Anti-Recidivism Coalition (Co-Sponsor)
Californians for Safety and Justice (Co-Sponsor)
California Public Defenders Association (Co-Sponsor)
Ella Baker Center for Human Rights (Co-Sponsor)
Essie Justice Group (Co-Sponsor)
SEIU California (Co-Sponsor)
Silicon Valley De-Bug (Co-Sponsor)
Western Center on Law and Poverty (Co-Sponsor)
A New Path
A New Way of Life Reentry Project
Access Women's Health Justice
Advokids
Alameda County Democratic Central Committee
All Saints Church
Alliance for Men and Boys of Color
Alliance San Diego
American Academy of Pediatrics
American Friends Service Committee
Amity Foundation
Ann Martin Center
Arts for Incarcerated Youth Network
Asian American Criminal Trial Lawyers Association
Asian Americans Advancing Justice, California
Asian Law Alliance
Bay Area Equal Voice Coalition
Bay Area Resource Generation
Bend the Arc
Black Women for Wellness
Bill Wilson Center
California Association of Alcohol and Drug Treatment Program Executives
California Attorneys for Criminal Justice
California Calls
California Catholic Conference, Inc.
California Coalition for Mental Health
California Coalition for Women Prisoners
California Immigrant Policy Center
California Labor Federation
California Latinas for Reproductive Justice
California Mental Health Planning Council
California Partnership California Partnership to End Domestic Violence
California State Strong
California Women's Law Center

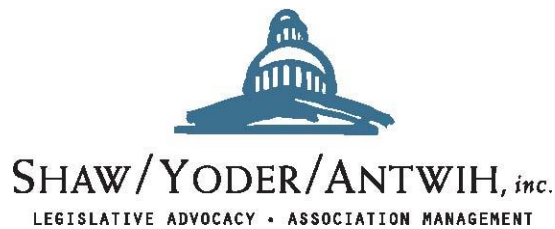
OPPOSITION:

Aladdin Bail Bonds
Association for Los Angeles Deputy Sheriffs
Association of Deputy District Attorneys
Brotherhood Organization of a New Destiny
California Association of Code Enforcement Officers
California Bail Agents Association
California College and University Police Chiefs Association
California District Attorneys Association
California Narcotic Officers Association
California State Association of Counties
California Police Chiefs Association
Chief Probation Officers of California
City of Redding
Congress of Racial Equality
Crime Survivors
Crime Victims United of California
Golden State Bail Agents Association
Judicial Council of California
Los Angeles County Professional Peace Officers Association
Los Angeles Police Protective League
Office of the San Diego District Attorney
Orange County Board of Supervisors
Peace Officers Research Association of California
Professional Bail Agents of the United States
Riverside Sheriffs' Association
Three Private Individuals

California Youth Empowerment Network
Center on Juvenile and Criminal Justice
Children's Defense Fund
City and County of San Francisco
Clergy and Laity United for Economic Justice
Coalition for Humane Immigrant Rights
Communities United for Restorative Youth Justice
Community Oriented Correctional Health Services
Contra Costa County Defenders Association
Contra Costa Democratic Party
Contra Costa County Public Defender
Contra Costa County Racial Justice Coalition
Council on American-Islamic Relations, California
Courage Campaign
David Bohnett Foundation
Disability Rights California
Drug Policy Alliance
Fair Chance Project
Financial Justice Project, City and County of San Francisco Office of Treasurer & Tax Collector
Forward Together
Friends Committee on Legislation of California
Further the Work Future Justice Fund
FWD.us
Greenbridge Corporate Counsel
Harm Reduction Services
Homeboy Industries
Homies Unidos
House Keys Not Handcuffs
Housing and Economic Rights Advocates
Human Impact Partners
Human Rights Watch
Hunger Action Los Angeles
Immigrant Legal Resource Center
Inland Congregation United for Change
John Burton Advocates for Youth
John Gioia, Contra Costa County Supervisor, District One
LA Voice
Law Enforcement Action Partnership
Law Foundation of Silicon Valley
League of Women Voters of California
Legal Aid at Work
Los Angeles Regional Reentry Partnership
Lutheran Office of Public Policy, California
Marijuana Lifer Project
Mental Health America of California
Mental Health America of Los Angeles
Mujeres Unidas y Activas
Napa County Public Defender

National Alliance on Mental Illness, Los Angeles County Council
National Alliance on Mental Illness, Santa Clara County Board
National Association for the Advancement of Colored People, San Jose/Silicon Valley
National Association of Social Workers, California Chapter
National Council of Jewish Women, CA
National Council of La Raza
National Immigration Law Center
National Organization for Women, California
National Organization for Women, Hollywood
Oakland Privacy
Pangea Legal Services
Peace United Church of Christ
People's Life Fund
PICO California
Progressive Christians Uniting
R Street Institute
Religious Action Center of Reform Judaism and Reform CA
Riverside Temple Beth El
Root and Rebound
Rubicon Programs
San Diego Organizing Project
San Francisco Coalition on Homelessness
San Francisco Public Defender
San Francisco Senior and Disability Action
San Jose University Human Rights Watch
Showing Up for Racial Justice, Peninsula Chapter
Solano County Public Defender
Sonoma County Public Defender
Starting Over, Inc.
Steinberg Institute
Strike Debt Bay Area
SURJ Bay Area
Tarzana Treatment Centers
Temple Beth El Jewish Community Center
The Advocacy Fund
The Kitchen
T'ruah: The Rabbinic Call for Human Rights
United Advocates for Children and Families
United Domestic Workers of America, AFSCME Local 3930
United Food and Commercial Workers Union, Western States Council
Urban Habitat
Urban Peace Institute
Voices for Progress Education Fund
W. Haywood Burns Institute
William C. Velasquez Institute
Women's Foundation of California
Youth for Environmental Sanity
Youth Justice Coalition

9to5 Working Women
102 Private Individuals



August 17, 2017

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: SB 21 (Hill) Law enforcement agencies: surveillance: policies.

Introduction and Overview

Senator Hill introduced SB 21, which requires law enforcement agencies to develop a Surveillance Use Policy for all surveillance technologies used by the agency. This policy would be made available to the public for comment, and would be considered for adoption by the elected or appointed body (should there be no elected body) overseeing the agency at a regularly scheduled meeting before deployment. Existing law only details policies on the handling of information obtained through the use of automated license plate recognition systems and cellular communications interception technology.

This bill requires a Surveillance Use Policy to cover any surveillance technologies already in use with separate descriptions of each technology used, purpose of use, type of data collected, description of each authorized user, how it will be monitored, a process to maintain a record of access, and processes for the storing, sharing, or destruction of retained information. It also requires law enforcement agencies to submit a Surveillance Technology Use Report every two years detailing total costs for each surveillance technology, their uses, and type of data collected.

SB 21 is preceded by SB 34 (Hill, 2015) which dealt with automated license plate recognition systems and SB 741 (Hill, 2015) which focused on cellphone site emulators. The key difference between SB 21 and its predecessors is that it applies much more broadly to surveillance technologies in general. The author states that this bill will help safeguard civil liberties and increase civilian oversight of elected officials.

The bill is opposed by several law enforcement associations who argue that by making the deployment of surveillance technologies and techniques public, criminals would be provided with information needed to evade those techniques and technologies. Opponents of the bill argue that this outweighs the benefit that would be served by informing the public of these technologies and procedures.

Legislative Update

SB 21 will next be heard in the Assembly Appropriations Committee. The bill is sponsored by the author.

This bill would create a state mandate, presenting costs to local law enforcement agencies that would likely be reimbursable by the state.

SUPPORT:

Electronic Frontier Foundation
Conference of California Bar Associations

Asian Law Alliance
California Civil Liberties Advocacy
San Jose Peace & Justice Center
Council on American-Islamic Relations, California (CAIR-CA)

OPPOSITION:

California District Attorneys Association
California Police Chiefs Association
League of California Cities
Peace Officers Research Association of California
Long Beach Police Officers Association
California Statewide Law Enforcement Association
San Bernardino County Sheriff
Association of Orange County Deputy Sheriffs
California Fraternal Order of Police
California State Sheriffs' Association
Riverside Sheriffs' Association
California Peace Officers' Association
Los Angeles County Sheriff's Department
Sacramento County Deputy Sheriffs' Association

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





a letter to our State legislators
SAMPLE TEMPLATE

Dear

I am writing today to ask you for your help in taking back our community.

During the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. And many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences.

However, 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 had the effect of eroding the safety of our communities.

In fact, in California today, our criminal justice system 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
- Assault with a deadly weapon

In addition, the State legislative changes that have occurred during the past several years has created an environment in California where most property crimes are now considered misdemeanors. 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.

- At a local level, the City of _____ experienced a _____ increase in violent and property crimes in 2016 when compared with 2015 levels. **This increase means that we had _____ more victims in _____ than in the prior year.**
- Former California Attorney General Kamala Harris reported that the State experienced a 10% increase in violent crime and an 8% increase in property crimes in 2015 when compared with 2014 levels. **This increase means that we had 92,309 more victims in California than in the prior year.**

I implore you to introduce and support State legislation that would fix the problems in our current criminal justice system. Only the State can make the criminal justice system changes needed to take back our community from violent and career criminals that are eroding the safety of our communities every single day.

Best regards,

WHAT YOU CAN DO...

Only the State can make the criminal justice system changes needed to ensure that violent and career criminals are kept off of our streets, and getting educated about the facts is the first thing that you can do to make a difference.

Certainly, not every crime deserves punishment through jail time. However, the changes made by AB 109, Prop 47, and Prop 57 have allowed violent and career criminals the opportunity to avoid either jail time or rehabilitative programs.

Based on the provisions of AB 109, Prop 47, and Prop 57, the definition of what constitutes a violent crime has been eroded, and in California today, the following crimes are classified as "non-violent:"

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

In addition, AB 109, Prop 47, and Prop 57 have created a criminal justice system that does not take into account an individual's criminal history, which has allowed career criminals the opportunity to avoid serving proper jail sentences.



Violent and career criminals need to be held accountable and kept off our streets.

To make our communities safer, the definition of what constitutes a violent crime in California needs to change. And an individual's criminal history should be taken into account when determining the appropriate punishment.

But only the State can make these desperately needed changes.



CONTACT YOUR REPRESENTATIVES TODAY...

Our State legislators can make the changes necessary to help protect our communities, and we need you to contact them to ask for their help in taking back our community!

Visit the City's website today to find more facts about AB 109 / Prop 47 / Prop 57, 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

TAKING BACK OUR COMMUNITY

A green line-art illustration of a park bench and a tree, positioned to the right of the main title text.

THE CHALLENGE

Increased crime has been attributed to State legislative changes enacted through AB 109, Prop 47, and Prop 57.

LAW ENFORCEMENT LIMITATIONS

AB 109, Prop 47, Prop 57, and other State-driven changes to our criminal justice system have placed limitations on law enforcement's ability to respond to increases in criminal activity.

THE EFFECT

Communities are less safe given the changes made by AB 109, Prop 47, and Prop 57, which is reflected by increases in crime rates throughout the State of California.

AB 109 transferred the responsibility of housing 45,000 criminals from State prison to local jail facilities. In order to house the violent criminals being transferred, local jail facilities were forced to release tens of thousands of lower-level convicted criminals back into our community, which has had the effect of increasing crime.

Prop 47 was approved by 60% of voters in 2014, and changed the following crimes from felonies to misdemeanors:



- Shoplifting, theft, forgery / fraud where the value of the crime does not exceed \$950
- Possession of illegal drugs, including cocaine, heroin, and methamphetamine

Under AB 109...

The responsibility of incarcerating criminals convicted of the certain serious felony violations was permanently transferred from State prisons to local jail facilities. And then, in order for local jails to make room to house the serious felons, lower-level criminals were released back into our communities.

Under Prop 47...

Crimes that were previously classified as felonies are now misdemeanors.

Today, possession of illegal drugs is considered a misdemeanor. Additionally, criminals can steal as many times as they want and as long as each occurrence does not exceed \$950, the crime is considered a misdemeanor.

Under Prop 57...

The State has been granted total authority to release anyone they want from prison, including those convicted of the following violent and serious crimes:

**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**

The Result Has Been...

The limitations that these State legislative changes have placed on law enforcement means that the rights of victims have been eroded as criminal rights have been expanded. Because of these changes, in California today, violent criminals are able to avoid appropriate prison sentences, career criminals are able to avoid jail time, and our police have fewer tools to combat crime.

In _____, there was a sharp _____ increase in violent and property crimes in 2016 when compared against 2015 levels. The most significant increases were:



more larceny incidents



more burglary and attempted burglary incidents



more assault incidents



more rape and attempted rape incidents

All of this resulted in...

MORE VICTIMS OF CRIME

In **California**, crime rates have also sky-rocketed. A 2015-report released by former California Attorney General Kamala Harris depicted similar disturbing statistics of increasing crime in the State:

166,588 victims of violent crimes.

Violent crimes include homicide, rape, assault. This represents a 10% increase (15,163 more victims) in violent crime.

1,023,828 victims of property crimes.

Property crimes include burglary, car theft, and larceny. This represents an 8.1% increase (77,146 more victims) in property crimes.

It is clear that recent State legislative changes to our criminal justice system have resulted in the massive erosion of our ability to keep our communities safe.

MISDEMEANOR



FELONY

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.

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 57 allows the State the complete authority to release up to 30,000 inmates in California State prison back into our communities.

A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

THE LEAGUE OF CALIFORNIA CITIES DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State; and

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal

injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, 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 and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:

- Murder or voluntary manslaughter.
- Mayhem.
- Rape.
- Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- Lewd acts on a child under the age of 14 years.
- Any felony punishable by death or imprisonment in the state prison for life.
- Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
- Attempted murder.
- Assault with intent to commit rape or robbery.
- Assault with a deadly weapon or instrument on a peace officer.
- Assault by a life prisoner on a non-inmate.
- Assault with a deadly weapon by an inmate.
- Arson.

- Exploding a destructive device or any explosive with intent to injure.
- Exploding a destructive device or any explosive causing great bodily injury.
- Exploding a destructive device or any explosive with intent to murder.
- Robbery.
- Kidnapping.
- Taking of a hostage by an inmate of a state prison.
- Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
- Any felony in which the defendant personally used a dangerous or deadly weapon.
- Escape from a state prison by use of force or violence.
- Assault with a deadly weapon.
- Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
- Carjacking.
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
- Throwing acid or flammable substances with intent to injure.
- Continuous sexual abuse of a child.

4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.

6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.

7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.



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

August 17, 2017

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: Affordable Housing Package

Introduction and Background

With a Cap-and-Trade extension deal reached, the attention of state legislators has shifted to an affordable housing package. This package is still taking shape but it will likely contain SB 2 (Atkins), SB 3 (Beall), and SB 35 (Weiner). Provisions from SB 540 (Roth), which would authorize localities to establish Workforce Housing Opportunity Zones with affordable housing requirements, are likely to be included in the package. Additionally, some aspects of the parks and resources bonds outlined in SB 5 (de León) and AB 18 (E. Garcia) may be included as part of the final deal. There are also a suite of Assembly bills that may be wrapped into these discussions. When legislative leaders and the Governor return from recess on August 21st, negotiations will continue and we will ultimately see concrete information about what will be included in the package.

Historically, California has funded housing programs either through the sale of bonds or the revenues generated from redevelopment agencies. SB 3 (Beall) would follow in this tradition by issuing a \$3 billion Affordable Housing Bond, while SB 2 (Atkins) and SB 35 (Weiner) both present alternative approaches. SB 2 (Atkins) would create a permanent ongoing source of funding for affordable housing by imposing a fee on documents used in real estate transactions estimated to garner between \$200 and \$300 million annually. SB 35 (Weiner) attempts to address the housing problem by creating a streamlined ministerial approval process for the development of multi-family housing when there has been a lack of housing units produced in a locality to meet its regional housing needs assessment (RHNA).

While SB 2 (Atkins) and SB 35 (Weiner) both propose alternative approaches, neither are historically unprecedented. AB 1335 (2015) authored by then Assembly Speaker Toni Atkins was almost identical to the current SB 2 (Atkins) and died on the Assembly Floor. SB 35 (Weiner) is similar to the proposal that Governor Brown put forth during FY 2016-17 budget negotiations, which failed to move forward.

Additionally, ACA 11 (Caballero) is a proposed constitutional amendment that is related to the affordable housings crisis, but has not yet been identified as part of the package that we expect to come together at the end of session. Specifically, ACA 11 would impose a sales tax upon all retailers at the rate of 0.25% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state beginning January 1, 2019. Additionally, an excise tax at the rate of 0.25% would be imposed on the storage, use, or other consumption in the state of tangible personal property purchased from any retailer.

The imposed taxes are expected to generate over one billion in annual revenue and would provide a significant and reliable source of funding to be deposited into the California Middle Class Affordable

Housing and Homeless Shelter Account. The measure would require the funding to be equitably distributed to local jurisdictions throughout the state for housing acquisition and development projects. The distribution would be proportional to the local jurisdiction's share of the regional housing need. Funding would come in the form of loans, grants, tax credits, revenue bonds, and other financing options. The measure prohibits these tax revenues from being used for any other purposes.

As you know, the City of Beverly Hills and the surrounding region depend on the retail and hospitality industries. Due to recent state and local sales tax measures and the state's minimum wage increase, businesses and consumers are already impacted. For this reason, the Beverly Hills Chamber of Commerce is on record opposing this bill.

ACA 11 has been introduced but not yet heard by any committee.

Current Political Climate

The difficulties associated with passing several major pieces of legislation with a 2/3 vote earlier this year has created a sense of apprehension among so-called Moderate Democrats around the affordable housing package since both SB 2 and SB 3 would require a 2/3 vote to pass. At the same time, the need for an affordable housing package has long been acknowledged by many legislators, as the crisis is growing in communities throughout the state. These political dynamics will set the tone for the negotiation process.

Arguments in Support and Opposition

The following positions are in reference to the bills as they are currently written. During the aforementioned negotiation process, it is expected that these bills along with their supporters and opponents may change.

SB 2:

- Supporters argue that the bill addresses a major economic cost to the state created by the affordable housing crisis (estimated to be \$140 billion annually) while creating 29,000 jobs for every \$500 million raised.
- Opponents such as the County Recorders' Association of California say that the bill would increase the minimum recording fee by 750%, impacting small contractors while creating administrative challenges for County Recorders.

SB 3:

- Supporters say that California has reduced its funding for the creation of affordable homes from approximately \$1.7 billion per year to almost nothing. This is because nearly all of the funds from the voter approved bonds have been awarded. This bill would solve that problem by placing a \$3 billion bond on the November 6th, 2018 ballot for voter approval.
- The Howard Jarvis Taxpayers Association is registered as opposing the bill. Traditionally they have been against the additional passage of state-wide bonds due to their effect on taxes.

SB 35:

- Supporters say that the streamlined process will allow the state to address the deficit in housing units while also creating a more meaningful tool to ensure local governments meet their RNHA goals.

- Opponents argue that SB 35 undermines local land use decisions, circumvents important environmental reviews, and has the potential to cause additional displacement of low-income tenants. The City of Beverly Hills is on record in opposition to this bill.

Status of Legislation

SB 2 (Atkins), SB 3 (Beall), SB 35 (Weiner), and SB 540 (Roth) are all located in the Assembly Rules Committee. SB 5 (de León) is in the Assembly Committee on Water, Parks and Wildlife and AB 18 (Garcia) is in the Senate Committee on Natural Resources and Water.



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

August 18, 2017

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 84 (Mullin) Primary elections: election date.

Introduction and Background

In an effort to increase the ability of California voters to influence the presidential nomination process, this bill would move California's primary elections from June to March, beginning with the 2020 election.

The bill would reform the primary election process in California by moving the primary election in Presidential years from the first Tuesday after the first Monday in June to the first Tuesday after the first Monday in March beginning with the 2020 presidential primary elections.

Arguments in Support and Opposition

According to the author, California has been treated like a "political ATM machine" by presidential candidates who come only to fundraise, rather than to campaign. The author states that because California voters do not play a decisive role in the presidential nomination process, the issues that they care about are not receiving the amount of attention that they deserve. Individuals and groups such as Secretary of State Alex Padilla, California StateStrong, the California Voter Foundation, and the California Immigrant Policy Center have registered their support of the bill.

In their letter of opposition, the Rural County Representatives of California argue that the bill will result in the permanent creation of two different calendars for county supervisor elections. One set of county supervisorial candidates would have an early March primary, while the others would have a June primary. Candidates with an early March primary would have an extremely long campaign season of almost a full year, and incumbents who faced a March primary date and were defeated would effectively serve a year as a lame-duck. Furthermore, opponents note that with the previous passage of SB 450 (Allen, 2016), counties are already undergoing dramatic changes in the way elections are administered, and this bill would simply add to that.

Status of Legislation

AB 84 will next be heard on the Senate Floor.

SUPPORT

California Immigrant Policy Center
California Voter Foundation
Secretary of State, Alex Padilla
California StateStrong

Rural County Representatives of California (RCRC)

OPPOSE

**SHAW/YODER/ANTWIH, inc.**

LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

August 18, 2017**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: SB 568 (Lara) Primary elections: election date.**

Introduction and Background

SB 568 was introduced by Senator Lara and is sponsored by California Secretary of State Alex Padilla. This bill is an effort to increase the ability of California voters to influence the presidential nomination process. The bill would move California's primary elections from June to March (or potentially earlier in presidential years), beginning with the 2020 election. Highlights of the bill's other pertinent provisions are below.

The bill would reform the primary election process in California by:

- Moving the primary election in both Presidential and non-Presidential years from the first Tuesday after the first Monday in June to the third Tuesday in March.
- Authorizing the Governor to move the Presidential primary election any day before the third Tuesday in March by issuing a proclamation calling for the election at least 240 days in advance of the date selected, as long as at least three states are scheduled to hold their primaries before that date.

Arguments in Support and Opposition

According to the author, California's voters have not played a decisive role in the presidential nomination process since 1980, because for the past 25 years all Democratic and Republican presidential primaries have been effectively decided by June. He also mentions that this proposal is an effective strategy for increasing voter participation, noting that when California moved its presidential primary forward in 2008 there was a dramatic increase in voter engagement.

Opponents of this bill have expressed concerns about increasing the length of time between the primary and the election if the primary were to be moved to March. They note that candidates elected outright in March would have to wait until December or January to assume office, and defeated incumbents would serve nearly a full year as a lame duck. Opposition to this bill was registered prior to the introduction of amendments meant to address these concerns.

Status of Legislation

SB 568 will next be heard on the Assembly Floor. The bill was last amended on June 21, 2017.

SUPPORT

California Voter Foundation

Secretary of State Alex Padilla (sponsor)

Rooted in Resistance Political Action Group

OPPOSE

California Association of Clerks and Election Officials

One individual

Rural County Representatives of California (RCRC)

A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

THE LEAGUE OF CALIFORNIA CITIES DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State; and

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal

injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, 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 and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:

- Murder or voluntary manslaughter.
- Mayhem.
- Rape.
- Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- Lewd acts on a child under the age of 14 years.
- Any felony punishable by death or imprisonment in the state prison for life.
- Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
- Attempted murder.
- Assault with intent to commit rape or robbery.
- Assault with a deadly weapon or instrument on a peace officer.
- Assault by a life prisoner on a non-inmate.
- Assault with a deadly weapon by an inmate.
- Arson.

- Exploding a destructive device or any explosive with intent to injure.
- Exploding a destructive device or any explosive causing great bodily injury.
- Exploding a destructive device or any explosive with intent to murder.
- Robbery.
- Kidnapping.
- Taking of a hostage by an inmate of a state prison.
- Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
- Any felony in which the defendant personally used a dangerous or deadly weapon.
- Escape from a state prison by use of force or violence.
- Assault with a deadly weapon.
- Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
- Carjacking.
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
- Throwing acid or flammable substances with intent to injure.
- Continuous sexual abuse of a child.

4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.

6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.

7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.