

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE FEBRUARY 5, 2025

SENATE BILL

No. 38

Introduced by Senator Umberg

December 3, 2024

An act to amend Sections 6046 and 6046.3 of the Penal Code, relating to recidivism reduction, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 38, as amended, Umberg. Second Chance Program.

Existing law establishes the Second Chance Program to support mental health treatment, substance use treatment, and diversion programs for persons in the criminal justice system with an emphasis on programs that reduce recidivism of persons convicted of less serious crimes and persons who have substance use and mental health problems. Existing law requires the Board of State and Community Corrections to administer a grant program to carry out the purposes of the Second Chance Program. Existing law requires the grant program to, among other things, restrict eligibility to proposals that offer mental health services, substance use disorder treatment services, misdemeanor diversion programs, or a combination thereof. Existing law also establishes the Second Chance Fund, a continuously appropriated fund, which is administered by the board.

Existing law, the Treatment-Mandated Felony Act, makes it a crime for a person, who has 2 or more prior convictions for a felony or misdemeanor violation of specified controlled substances crimes, to possess a hard drug, as defined, unless it has been prescribed by a doctor, among others. Under existing law, a defendant who has been charged with this crime can elect treatment, in lieu of a jail or prison sentence

or probation, by pleading guilty or no contest and admitting the alleged prior convictions, waiving time for sentencing and the pronouncement of judgment, and agreeing to participate in, and complete, a detailed treatment program developed by a drug addiction expert and approved by the court.

This bill would require the Second Chance grant program to authorize eligibility for proposals that offer mental health or behavioral health services and drug court or collaborative court programs, including the treatment program under the Treatment-Mandated Felony Act. ~~The bill would prohibit the program from specifying percentage allocations in applying for, or awarding, a grant.~~ By expanding the purpose of a continuously appropriated fund, this bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6046 of the Penal Code is amended to
2 read:

3 6046. (a) The purpose of this article is to build safer
4 communities by investing in community-based programs, services,
5 and initiatives for formerly incarcerated individuals in need of
6 mental health and substance use treatment services.

7 (b) The program established pursuant to this article shall support
8 mental health treatment, substance use treatment, drug court or
9 collaborative court programs, and diversion programs for persons
10 in the criminal justice system, with an emphasis on programs that
11 reduce recidivism of persons convicted of less serious crimes, such
12 as those covered by the Safe Neighborhoods and Schools Act of
13 2014, Act, and those who have substance use and mental health
14 problems.

15 (c) The Board of State and Community Corrections shall
16 administer a grant program established pursuant to this article. The
17 grant program is intended to support locally responsive and
18 collaborative approaches and shall not require specific percentage
19 allocations in applying for, or awarding, the grant. *approaches.*

20 SEC. 2. Section 6046.3 of the Penal Code is amended to read:

21 6046.3. (a) The board shall administer a competitive grant
22 program to carry out the purposes of this article that focuses on

1 community-based solutions for reducing recidivism. The grant
2 program shall, at minimum, do all of the following:

3 (1) Authorize eligibility for proposals designed to serve people
4 who have been arrested, charged with, or convicted of a criminal
5 offense and have a history of mental health or substance use
6 disorders.

7 (2) Authorize eligibility for proposals that offer mental health
8 or behavioral health services, drug court or collaborative court
9 programs, substance use disorder treatment services, misdemeanor
10 diversion programs, or some combination thereof.

11 (3) Restrict eligibility to proposals that have a public agency as
12 the lead applicant.

13 (4) Authorize eligibility for treatment programs pursuant to
14 Section 11395 of the Health and Safety Code.

15 (b) The board shall form an executive steering committee that
16 includes, but is not limited to, a balanced and diverse membership
17 from relevant state and local government entities, community-based
18 treatment and service providers, and the formerly incarcerated
19 community. The committee shall have expertise in homelessness
20 and housing, behavioral health and substance abuse treatment, and
21 effective rehabilitative treatment for adults and juveniles. The
22 committee shall make recommendations regarding the design,
23 efficacy, and viability of proposals, and make recommendations
24 on guidelines for the submission of proposals, including threshold
25 or scoring criteria, or both, that do all of the following:

26 (1) Prioritize proposals that advance principles of restorative
27 justice while demonstrating a capacity to reduce recidivism.

28 (2) Prioritize proposals that leverage other federal, state, and
29 local funds or other social investments, such as the following
30 sources of funding:

31 (A) The Drug Medi-Cal Treatment Program (Sections 51341.1,
32 51490.1, and 51516.1 of Title 22 of the California Code of
33 Regulations).

34 (B) The Mental Health Services Act, enacted by Proposition 63
35 at the November 2, 2004, general election, as amended.

36 (C) Funds provided for in connection with the implementation
37 of Chapter 15 of the Statutes of 2011.

38 (D) The California Community Corrections Performance
39 Incentives Act of 2009 (Stats. 2009, Ch. 608; Chapter 3
40 commencing with Section 1228) of Title 8 of Part 2).

1 (E) The tax credits established pursuant to Section 12209 of the
2 Revenue and Taxation Code.

3 (F) The federal Department of Housing and Urban Development
4 funds, such as the Emergency Solutions Grant program (42 U.S.C.
5 Sec. 11371 et seq.).

6 (G) The federal Department of Veterans Affairs Supportive
7 Services for Veteran Families program (38 U.S.C. Sec. 2044).

8 (H) Social Innovation Funds established by the Corporation for
9 National and Community Service pursuant to Section 12653k of
10 Title 42 of the United States Code.

11 (I) The Edward Byrne Memorial Justice Assistance Grant
12 Program (42 U.S.C. Sec. 3750 et seq.).

13 (3) Prioritize proposals that provide for all of the following:

14 (A) Mental health services, substance use disorder treatment
15 services, misdemeanor diversion programs, or some combination
16 thereof.

17 (B) Housing-related assistance that utilizes evidence-based
18 models, including, but not limited to, those recommended by the
19 federal Department of Housing and Urban Development.
20 Housing-related assistance may include, but is not limited to, the
21 following:

22 (i) Financial assistance, including security deposits, utility
23 payments, moving-cost assistance, and up to 24 months of rental
24 assistance.

25 (ii) Housing stabilization assistance, including case management,
26 relocation assistance, outreach and engagement, landlord
27 recruitment, housing navigation and placement, and credit repair.

28 (C) Other community-based supportive services, such as job
29 skills training, case management, and civil legal services.

30 (4) Prioritize proposals that leverage existing contracts,
31 partnerships, memoranda of understanding, or other formal
32 relationships to provide one or more of the services prioritized in
33 paragraph (3).

34 (5) Prioritize proposals put forth by a public agency in
35 partnership with additional public agencies or with a philanthropic
36 or nonprofit organization.

37 (6) Prioritize proposals that promote interagency and regional
38 collaborations.

39 (7) Consider ways to promote services for people with offenses
40 identical or similar to those addressed by the Safe Neighborhoods

1 and Schools ~~Act of 2014~~, *Act*, without precluding assistance to a
2 person with other offenses in their criminal history.

3 (8) Consider geographic diversity.

4 (9) Consider appropriate limits for administrative costs and
5 overhead.

6 (10) Consider proposals that provide services to juveniles.

7 (11) Permit proposals to expand the capacity of an existing
8 program and prohibit proposals from using the fund to supplant
9 funding for an existing program.

10 (12) Prioritize proposals that utilize a drug court or collaborative
11 court model.