
SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

SB 1200 (Jackson) - Animal cruelty: training: criminal statistics

Version: April 4, 2016

Policy Vote: PUB. S. 6 - 0

Urgency: No

Mandate: Yes (see Staff Comments)

Hearing Date: April 25, 2016

Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 1200 would require the Board of State and Community Corrections (BSCC) to include a requirement for the training of probation officers on domestic violence, including the nexus between animal cruelty and violence against persons. Additionally, this bill would require the Department of Justice (DOJ) to include information concerning arrests for animal cruelty in its annual report, as specified.

Fiscal Impact:

- BSCC training regulations: One-time minor costs (General Fund) to revise training standards to add the specified training to the minimum standards for training of probation officers.
- Probation officer training: Potentially significant increase in non-reimbursable local costs (Local Funds/General Fund*) for domestic violence training, to the extent probation departments elect to adhere to the revised training standards established by the BSCC.
- Data reporting: Likely minor non-reimbursable local costs (Local Funds/General Fund*) for reporting. Staff notes prior decisions issued by the Commission on State Mandates (02-TC-04, 02-TC-11, 07-TC-10) determined the relevant code sections applicable to the provisions of this bill do not impose state-mandated requirements on local agencies, however, these costs could potentially be subject to Proposition 30 funding requirements.
- DOJ annual report: Minor, absorbable costs (General Fund) for DOJ to include arrest data for animal cruelty in its annual report.

*Proposition 30 (2012) exempts the State from mandate reimbursement for realigned programs including the provision of public safety services, including the employment and training of law enforcement personnel, and the related reporting responsibilities of local agencies. However, legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for levels of services mandated by 2011 Realignment Legislation, applies to local agencies only to the extent that the State provides annual funding for the cost increase.

Background: Existing law requires the BSCC to adopt, and may from time to time amend, rules establishing minimum standards for the selection and training of local corrections and probation officers (Penal Code (PC) 6035 (a).)

Existing law provides that any city, county, or city and county may adhere to the standards for selection and training established by the BSCC. Minimum training

standards may include but are not limited to basic, entry, continuation, supervisory, management, and specialized assignments. (PC 6035 (b)-(c).)

Existing law requires the DOJ to collect data from specified local law enforcement agencies and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year. Existing law requires those law enforcement agencies to install and maintain records needed for the correct reporting of statistical data and to report the data to the Attorney General in the manner the Attorney General prescribes. (PC §§ 13010, 13012, 13020.)

Proposed Law: This bill requires the BSCC to, as part of the minimum standards for training established, include a requirement for the training of probation officers on domestic violence that shall include, but not be limited to, training on the nexus between animal cruelty and violence against persons. This bill additionally requires the annual report published by the DOJ pursuant to PC § 13010 to include information concerning arrests for violations of animal cruelty (PC § 597).

Staff Comments: The BSCC has indicated a minor, absorbable impact to incorporate the specified training requirement into the minimum standards of training for probation officers. As noted in the *Fiscal Impact* section of this analysis, to the extent probation departments adhere to the revised training standards and incur additional training costs as a result of this measure, any increased costs for training could potentially be subject to annual funding from the State for the cost increase pursuant to the provisions of Proposition 30 (2012), as Proposition 30 only speaks to “legislation that has an overall effect of increasing the costs already borne by a local agency,” and not specifically to legislation that mandates new activities or higher levels of service.

The DOJ has indicated minor, absorbable costs to add arrest data for animal cruelty to its annual report. Staff notes any additional workload imposed on local agencies for reporting arrest data for animal cruelty are estimated to be minor and non-reimbursable, as the Commission on State Mandates (CSM) noted the following comments in its prior decisions on law enforcement reporting to the DOJ:

- In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the CSM found that PC § 13012, by itself, does not impose a state-mandated activity on a local government because it only specifies the contents of a DOJ report, and imposes no requirements on a local agency.
- In its determination of 07-TC-10, the CSM further found that PC § 13020 is not a reimbursable state mandate within the meaning of article XIII B, section 6 of the California constitution because the statute existed before 1975, and imposes no new activities on local agencies.

Staff notes that although the additional reporting by law enforcement agencies may not constitute a reimbursable mandate, to the extent the additional reporting requirements increase the overall costs already borne by local agencies for reporting activities, those costs could potentially be subject to annual funding from the State for the cost increase pursuant to the provisions of Proposition 30 (2012).

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