

**AGENDA ITEM: Presentation on Status of Criminal Justice Realignment:  
Assembly Bill 109 Implementation**

**ENCLOSURES:**     • AB 109 Survey Report – Year 2, January 2013

**OTHER MATERIAL RELATED TO ITEM:** None

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**Presentation:**

Assembly Bill 109 (AB109) was one of the bills implemented in 2011 that are collectively known as the 2011 Public Safety Realignment. The aim of the legislation is to reduce California’s overcrowding, costs and recidivism rate in the State Prison system.

The Mental Health Services Oversight and Accountability Commission will be provided with a Panel discussion from representatives from the California Department of Corrections and Rehabilitation, the California State Sheriffs Association, the California Mental Health Directors Association and the Probation Officers of California. The discussion will focus on how the 2011 Public Safety Realignment is impacting county level mental health services.

**Background:**

County mental health systems have been impacted in various ways as a result of the 2011 Public Safety Realignment. AB 109 allows non-violent, non serious and non sex offenders to serve their sentence in county jails instead of state prisons. Counties can contract with the State to house local offenders. A significant change in the bill deals with how a felony has been defined. The definition has been changed from “a crime which is punishable with death or by imprisonment in the state prison” to “a crime that is punishable with death, imprisonment in the State prison or not withstanding any other provision of law, by imprisonment in a county jail for more than one year.” Additionally the bill states that effective July 1, 2011, the Division of Juvenile Justice shall no longer accept any juvenile offender commitments from the juvenile courts, unless a county has entered a memorandum of understanding with the State.

The bill also enhances the ability of correctional administrators to authorize a voluntary home detention program and allows the Board of Supervisors to authorize the correctional administrator to offer a program under which “inmates being held in lieu of bail may be placed in an electronic monitoring program.”

The Panel will discuss how the changes in AB 109 impact service provisions to persons with mental illness who are accused of a crime.