



TBOC Newsletter

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Sacramento Update

As we close out the first month of the New Year we wanted to take the time to update everyone about where things stand in Sacramento.

The Legislature returned to its normal, regular schedule January 7th of this year. While the members were all sworn into office the first part of December, it wasn't until earlier this month that they began to consistently meet. As this is an odd numbered year, the Legislature begins the first year of its two-year legislative session. This is important to keep in mind primarily because legislation does not have to pass this year to still be considered active. While legislative proposals are still subject to meeting certain deadlines to be considered "Active", a bill that does not meet prescribed timelines has the option to be carried over into 2020. Therefore, it's paramount to remain vigilant against any and all proposals that might be introduced.

Speaking of deadlines, Friday, January 25th, was the first legislative deadline that must be met for legislation. Any bill ideas must be submitted to Legislative Counsel, the attorneys for the Legislature, for drafting into proper legislative format. That being said, the single biggest upcoming hurdle for legislation in 2019 is February 22nd, the deadline to introduce new bills for the remainder of the year. Thus far there have been several hundred bills introduced for the coming year, but that total will balloon significantly as we approach the February 22 deadline. On average there are about 3,000 bills introduced per annum.

We have previously reported on the significant margins Democrats now hold over the Republicans in Sacramento after the November, 2018 elections. This fact holds important meaning in a number of ways, but most specifically allows the Democrats to pass any type of legislation without Republican input, up to and including tax increases. We have heard from numerous Democratic legislators that their hope is that they won't be forced to utilize this newfound supermajority status all that often, but at this time it is just too early to tell.

A recent, and highly unusual change to the membership in the Assembly was the change in party membership by Assemblymember Brian Maienschein (San Diego), who announced his intent on January 24th to change from a Republican to a Democrat. This now means that Democrats control 61 of the 80 available seats in

the State Assembly.

Oftentimes the fate of legislation can be reasonably understood even before a hearing on a bill just by who chairs the committee where a bill is referred. For public safety issues the relevant Chairs are:

Assembly Public Safety Committee - Reginald Jones-Sawyer

Assembly Budget Subcommittee for Public Safety - Shirley Weber

Senate Public Safety Committee - Nancy Skinner

Senate Budget Subcommittee on Corrections, Public Safety and the Judiciary - Nancy Skinner

It is important to mention that each of these Chairs have authored legislation in the past that law enforcement has been vehemently opposed to. We will monitor these legislators and their committees closely and regularly report items of interest to the organization.

It's also worth pointing out that the Governor introduced his Proposed 2019-2020 Budget on January 10th. This officially kicks off the budget dance in Sacramento, culminating with the Constitutionally mandated passage of a balanced spending plan no later than June 15th. Historically speaking the state has never invested significant revenue in local law enforcement activities, and this budget is no different. However, the Governor is proposing an additional \$34.9 million of training through POST. We've spoken with several members of law enforcement who believe the concept is worthy of support but the devil will be in the details. We will monitor this proposal closely as it works its way through the budget process and report as necessary.

List of Newly-Appointed Senators & Assemblymembers to the Public Safety Committees

SENATE	ASSEMBLY
Senator Nancy Skinner (D-Berkeley), Chair	Assemblymember Reginald Jones-Sawyer (D- District 59), Chair
Senator John M. W. Moorlach (R-Costa Mesa), Vice Chair	Assemblymember Tom Lackey (R-District 36), Vice Chair
Senator Steven Bradford (D-District 35)	Assemblymember Rebecca Bauer-Kahan (D-District 16)
Senator Hannah-Beth Jackson (D-District 19)	Assemblymember Tyler Diep (R-District 72)
Senator Holly J. Mitchell (D-District 30)	Assemblymember Sydney Kamlager-Dove (D-District 54)
Senator Mike Morrell (R-District 23)	Assemblymember Bill Quirk (D-District 20)
Senator Scott D. Wiener (D-District 11)	Assemblymember Miguel Santiago (D-District 53)
	Assemblymember Buffy Wicks (D-District 15)

The New Year has brought significant changes to Sacramento. Our new Governor, Gavin Newsom, has begun providing his vision for California. In addition to the major change of Governor, the Legislature is also facing changes as Democrats in both the Senate and the Assembly added significantly to their numbers. With 29 Senate Democrats and 60 Assembly Democrats, the leaders in their respective chambers clear the much-coveted 2/3 majority by substantial margins. The implications of the super-majority status cannot be overstated as the majority party can choose to pass virtually any kind of legislation, such as tax increases, without Republican approval. It's yet to be seen how often or sparingly this will be used.

While the top leadership in both Houses is substantially the same, there has been some shuffling of policy committees. The composition of the various budget and policy committees has a significant outcome on the type of legislation that is allowed to advance.

As you all know too well, law enforcement policies and professionals have come under intense scrutiny by certain members of the Legislature. Between the threats to what minimal statewide funding is provided, the undercutting of the policies of how law enforcement is conducted (AB 931, SB 1421, etc.), to the significant incarceration changes spearheaded during the Governor Brown administration (AB 109, Props 47 and 57), there have been many challenges experienced by local law enforcement and the communities they serve.

Unfortunately, we expect some of the scrutiny to continue in 2019. Most notably, law enforcement and public safety professionals spent a significant amount of time and resources in 2018 defeating AB 931 (Weber), which would have substantially changed the circumstances under which a law enforcement representative could be charged with a crime during an officer-involved shooting. Despite the legislation being a major departure from current law, and injecting a high-level of after-the-fact subjectivity that would work against a law enforcement professional, the bill was supported by a large number of legislators. Immediately following the defeat of the legislation during the final week of the legislative session in 2018, the Leader of the State Senate and the author of the bill issued a press release stating their intent to revive the bill for 2019. As was the case last year, we suspect this will be one of the biggest issues for law enforcement and the public safety community to confront as the year unfolds.

With Governor Newsom inheriting a \$14 billion surplus and \$18 billion rainy day fund, it will be interesting to see how he will approach advocating for the issues he cares about and whether he will practice fiscal prudence before the expected economic downturn.

Governor Newsom submitted his \$209 billion budget proposal to the Legislature, which focuses on building a strong financial foundation by eliminating debts, expanding the rainy-day fund and paying down unfunded liabilities.

In the budget summary provided regarding public safety, the proposal projects the downward trend of adult inmate population created by Propositions 47 and 57. With the changing of the definition of “violent crimes” with Prop 57 and the reclassifying of some felonies as misdemeanors, the average daily adult inmate population is expected to be reduced by about 6,300 in 2019-20 to an inmate reduction of 10,500 in 2021-22.

On a positive note, Governor Newsom is seeking to increase POST’s budget by \$34.9 million to enhance the training and resources to our law enforcement community.

[Governor Newsom Proposes 2019-20 “California For All” State Budget](#), January 10, 2019

Los Angeles County District Attorney's Office "One Minute Brief"

From time to time, the Los Angeles County District Attorney’s Office publishes a “One Minute Brief” to bring attention to some important changes. On December 17, 2018, the One Minute Brief summarized 23 new laws or amendments, which became effective January 1, 2019. For example, Penal Code 188, 189, 1170.95 was amended to allow people previously convicted on felony-murder or “natural and probable consequences” theories to petition for reversal of their murder convictions and resentencing on the underlying felony, with credit for time served.

To learn about other laws that were added or amended, [click here](#).

Source: 2018-23 New Laws for 2019

San Diego DA Plans to Challenge New Murder Accomplice Law

San Diego’s District Attorney’s Office is preparing to argue a new state law that could release convicts serving time for being accomplices to murder, rather than the actual perpetrator. In San Diego County alone, the DA’s Office estimates that about 140

accomplices convicted of murder since 2006 are in prison and would be eligible to have their sentences reviewed, while the Public Defender's office plans to review about 1,200 cases they believe falls under the changed law.

inewsourc "San Diego DA Plans to Challenge New Murder Accomplice Law." January 7, 2019

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