

Legislative and Policy Updates
Reentry Council
December 6, 2011

I. Legislation Currently Tracked by Reentry Council

The Reentry Council has previously considered and voted to approve letters of support for the following bills.

Proposed State Legislation:	AB 568: Pregnant inmates and wards: least restrictive restraints.
Background:	Introduced by Assemblymember Nancy Skinner on February 16, 2011. The bill would ensure that incarcerated pregnant women are not restrained unless deemed absolutely necessary, and then only in the least restrictive way possible when being transported to and from a state or local correctional facility, in addition to when giving birth and during recovery from childbirth.
Status:	Passed the Assembly and ordered to the Senate on May 12, 2011. Passed by the Senate on August 22, 2011. Enrolled and presented to the Governor on August 31, 2011. Vetoed by Governor Brown on October 9, 2011.
SF Action:	Reentry Council approved and forwarded a letter recommending that the Board of Supervisors and Mayor support this bill on March 29, 2011.

Proposed State Legislation:	AB 828: Food stamps: eligibility: drug felonies.
Background:	Introduced by Assemblymember Sandré Swanson on February 17, 2011. This bill would provide that a person convicted of a drug felony shall be eligible for aid under the Food Stamp Program, and would eliminate the eligibility requirements which exclude individuals with certain drug-related felonies.
Status:	Passed the Assembly and ordered to the Senate on May 23, 2011. Referred to the Committee on Appropriations on June 15, 2011 and placed on Appropriations suspense file. Held under submission in committee as of August 25, 2011.
SF Action:	Reentry Council approved and forwarded a letter recommending that the Board of Supervisors and Mayor support this bill on March 29, 2011.

Proposed State Legislation:	AB 877: Vehicles: nonfelony offenses and infractions: removal of records.
Background:	Introduced by Assemblymember Nancy Skinner on February 17, 2011. This bill would allow for the dismissal of any non-felony violation of the Vehicle Code for (1) a person upon completion of his or her sentence of 6 months or longer in a county jail or a drug treatment center or other mandated alternative to incarceration and (2) a person who has been incarcerated for 90 or more days in any consecutive 12-month period subsequent to the date of the offense or violation.
Status:	Passed the Assembly and ordered to the Senate on June 1, 2011. Amended and re-referred to the Committee on Appropriations on August 29, 2011.
SF Action:	Reentry Council approved and forwarded a letter recommending that the Board of Supervisors and Mayor support this bill on March 29, 2011. Resolution 177-11 supporting the bill was adopted by the Board of Supervisors on April 19, 2011. The Resolution was returned unsigned by the Mayor.

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Proposed Local Legislation:	Ordinance (File No. 111102): Payroll Expense Tax Exclusion
Background:	This ordinance would amend the San Francisco Business and Tax Regulations Code, Article 12-A, by adding Section 906.5 to establish a Payroll Expense Tax exclusion for compensation paid to individuals who have a felony conviction.
Status:	October 18, 2011: Referred to the Small Business Commission for Review and Comment. Referred to Fire, Police and Public Health Departments for informational purposes. Heard in Budget and Finance Committee on November 30, 2011.

Proposed Local Legislation:	Resolution (File No. 110983): Employment Policies and Procedures Regarding Criminal History
Background:	This resolution would authorize the City and County of San Francisco to access state and federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.
Status:	Introduced on September 12, 2011. The resolution was assigned to the Public Safety Committee. [This text replaces incorrect information provided at the December 6, 2011 meeting.]

Proposed Local Legislation:	Ordinance (File No. 111050): San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011
Background:	Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers and duties; and 3) establish membership criteria.
Status:	November 12, 2011: Amended by the Rules Committee and recommended to the full Board of Supervisors.

Draft Proposal	<i>Proposal to enact protections for people with criminal records in employment and housing decisions</i>
Background:	Draft legislation recommends that the Mayor and Board of Supervisors modify Article 33 of the San Francisco Police Code and Chapter 12 of the San Francisco Administrative Code in order to prohibit unfair discrimination on the basis of an arrest or conviction record.
Status:	Recommended by the Reentry Council on March 29, 2011. Recommended by the Human Rights Commission on April 14, 2011. Numerous stakeholder and community input sessions held by the Human Rights Commission.

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II. Legislation to Watch

The following bill has been identified by Reentry Council staff as an item of interest to Reentry Council members.

Proposed State Legislation:	SB 9: the Fair Sentencing for Youth Act.
Background:	Introduced by Assembly Member Leland Yee December 6, 2010. The bill would authorize a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without parole to submit a petition for recall and resentencing to the sentencing court, and to the prosecuting agency.
Status:	Passed the Senate on June 1, 2011. Refused passage in the Assembly on August 25, 2011. Reconsideration granted on September 2, 2011. Amended and re-referred to the Committee on Public Safety on September 6, 2011. Ordered to a third reading in the Assembly on September 9, 2011.

III. Legislation and Policy Previously Tracked by the Reentry Council

The following issue has been discussed and tracked by the Reentry Council at previous meetings. Staff track the progress on an ongoing basis.

Proposed Change to State Regulation:	CA Code of Regulations Title 15, Section 1071–Voting: Correctional Standards Authority Inmate Voting Oversight.
Background:	Section 1071 of CCR Title 15 directs that the Correctional Standards Authority develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections, pursuant to election codes.
SF Action Taken:	Reentry Council discussed regulation at September 29, 2009 meeting. At the January 26, 2010 meeting, Reentry Council drafted a letter requesting that the Board of Supervisors urge the CDCR Corrections Standard Authority to adopt specific guidelines for county sheriffs and departments of corrections in order to facilitate voting among eligible incarcerated individuals. SF Board of Supervisors adopted Resolution No. 149-10 urging CDCR to implement guidelines to ensure voting access for eligible offenders April 13, 2010.
Status:	A proposed change to section 1062 of CCR Title 15 would require that information about inmate voting and voter registration be provided at the time of the inmate’s orientation. The public comment period for this proposed change took place from August 19, 2011 through October 3, 2011. The proposed revisions can be viewed at http://www.cdcr.ca.gov/CSA/FSO/2011_Title15-24_Revisions.html

For questions, comments, or to provide updated information to this memo, please contact Jennifer Scaife, Reentry Resource Coordinator, at reentry.council@sfgov.org or (415) 558-2406.