

June 2, 2009

May Revision Overview: Judicial and Criminal Justice

L E G I S L A T I V E A N A L Y S T ' S O F F I C E

Presented to:
Budget Conference Committee



Overview of Judicial and Criminal Justice Programs and Expenditures

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- ☑ **Major State Programs.** The major state judicial and criminal justice programs include the California Department of Corrections and Rehabilitation (CDCR) and the Department of Justice, as well as the state court system.
- ☑ **2009-10 Budget.** The 2009-10 Budget Act includes a total of \$12.5 billion from the General Fund for judicial and criminal justice programs, which is about 14 percent of all General Fund spending. This amount—which includes support for operations, capital outlay, and debt service for related facilities—represents a decrease of about \$727 million, or 6 percent, below the revised level of current-year spending for these programs.
- ☑ **Historical Spending Trends.** General Fund spending for judicial and criminal justice programs is projected to increase by \$5.1 billion, or 69 percent, between 2000-01 and 2009-10, an average annual increase of about 6 percent. The single fastest growing agency has been CDCR, which also makes up the largest share of judicial and criminal justice spending.
- ☑ **Major Cost Factors.** General Fund expenditures on judicial and criminal justice programs over the years have been largely driven by (1) employee compensation and inflation, (2) offender population changes, (3) court orders and settlements, and (4) new and expanded programs.

Governor's Combined May Revision Proposals for CDCR

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Budget Overview. The 2009-10 budget includes about \$9.8 billion from the General Fund to operate CDCR, a decrease of \$444 million, or 4 percent, below the revised 2008-09 level. The budget also includes \$252 million General Fund for various capital outlay projects.



May Revision Reductions. The May Revision includes four major proposals to reduce CDCR expenditures:

- **Commutation of Sentences for Undocumented Immigrants (\$182.1 Million).** The Governor proposes to begin approving applications for commutations submitted by undocumented immigrants. The administration's plan would result in their release and deportation by the U.S. government.
- **Alternative Custody Options (\$120.5 Million).** The Governor proposes to release certain inmates one year early from prison and place them on house arrest with Global Positioning System monitoring for the remainder of their sentence.
- **Wobblers to Misdemeanors (\$99.9 Million).** The Governor proposes to change sentencing options for specific crimes that may be treated as either felonies or misdemeanors (known as "wobblers"), making these offenses punishable by jail and/or probation rather than state prison.
- **Other Reductions (\$787.1 Million).** The Governor also proposes to eliminate funding for most rehabilitative services (such as substance abuse treatment and education programs) and make other changes.

Governor's Combined May Revision Proposals for Judicial Branch

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- Budget Overview.** The 2009-10 budget includes \$2.1 billion from the General Fund for support of the judicial branch, a decrease of about \$100 million, or 4.5 percent, below the revised 2008-09 level.

- May Revision Reductions.** The May Revision includes two major proposals to reduce funding for trial court operations:
 - **Unallocated Reduction (\$168.6 Million).** The May Revision includes an unallocated reduction of \$168.6 million, or 10 percent, in General Fund support for trial courts.

 - **Electronic Court Reporting (\$13 Million).** The May Revision proposes to phase in electronic court reporting in California trial courts.