

11-0262

Introduced by Senator Morrow

February 14, 2001

An act to add Title 14 (commencing with Section 14330) to Part 4 of the Penal Code, relating to sober living homes.

LEGISLATIVE COUNSEL'S DIGEST

SB 239, as introduced, Morrow. Probation and parole: sober living homes.

Existing law authorizes the court, in sentencing a convicted defendant, to impose probation under the supervision of the probation officer or a conditional sentence subject to conditions established by the court.

Existing law authorizes the Board of Prison Terms upon granting any parole to any prisoner under the jurisdiction of the Department of Corrections to impose on the parole any conditions that it may deem proper. Existing law also authorizes the Youthful Offender Parole Board to grant parole to persons under the jurisdiction of the Department of the Youth Authority under those conditions as it deems best.

Existing law grants the State Department of Alcohol and Drug Programs jurisdiction over the state's drug and alcohol programs and requires the department to administer various programs for the prevention and treatment of alcohol and drug abuse, including alcoholism or drug abuse recovery or treatment facilities serving adults.

This bill would require that the court or a probation department, the Department of Corrections, or the Department of the Youth Authority only order or arrange for placement, or refer, persons under the jurisdiction of the court or the respective departments to a sober living home, as defined, that is certified as provided under the bill. To become

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certified, the bill would require a sober living home to provide certain information to the local law enforcement agency having jurisdiction in the area in which the home is located. The bill would require local law enforcement agencies to compile a list of sober living homes that have met the certification requirements. The bill would set forth circumstances under which a sober living home may be decertified, including as a result of successful local nuisance abatement procedures.

This bill would impose a state-mandated local program by requiring local law enforcement agencies to implement a certification process for sober living homes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Title 14 (commencing with Section 14330) is
2 added to Part 4 of the Penal Code, to read:

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4 TITLE 14. SOBER LIVING HOMES FOR
5 PROBATIONERS AND PAROLEES

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7 14330. (a) The court or a probation department, the
8 Department of Corrections, or the Department of the Youth
9 Authority shall only order or arrange for placement, or refer,
10 persons under the jurisdiction of the court or the respective
11 departments to a sober living home, as defined in subdivision (b),
12 that is certified pursuant to this title.

13 (b) For purposes of this title, "sober living home" means an
14 unlicensed alcohol and drug-free house or residential

1 establishment that provides support for recovery from alcohol and
2 drug abuse, but does not provide alcohol or drug recovery or
3 treatment services.

4 14331. (a) To be eligible to receive persons under the
5 jurisdiction of the court or a probation department, the Department
6 of Corrections, or the Department of the Youth Authority, a sober
7 living home shall comply with the certification requirements of
8 this title.

9 (b) To be certified as a sober living home pursuant to this title,
10 the sober living home shall provide to the local law enforcement
11 agency having jurisdiction in the area in which the home is located
12 all of the following information:

13 (1) The address and phone number of the sober living home.

14 (2) The business and emergency phone number and other
15 relevant information regarding the owner of the sober living home.

16 (3) The name and location of alcohol and drug abuse treatment
17 providers providing treatment and care to the occupants of the
18 sober living home.

19 (4) The name of and directions on how to contact any onsite
20 supervisor and any manager of the sober living home.

21 (5) Notification whenever a resident moves out of the sober
22 living home.

23 (6) A copy of any rules or regulations that the sober living home
24 residents are required to follow.

25 14332. (a) Local law enforcement agencies shall compile a
26 list of sober living homes that have met the certification
27 requirements of this title based upon the information received
28 from sober living homes pursuant to subdivision (b) of Section
29 14331.

30 (b) Prior to ordering or arranging for placement, or referring,
31 to a sober living home any person under the jurisdiction of the
32 court, a probation department, the Department of Corrections, or
33 the Department of the Youth Authority, the court or respective
34 department shall contact the local law enforcement agency having
35 jurisdiction in the area in which the person is to reside for a list of
36 certified sober living homes.

37 14333. (a) A sober living home may be decertified by a local
38 law enforcement agency for reasons that include, but are not
39 limited to, the following:

- 1 (1) Excessive response to the sober living home by public
- 2 safety agencies.
- 3 (2) Disturbances of the peace.
- 4 (3) Criminal activity or other violations of the law.
- 5 (4) Drug or alcohol activity.
- 6 (5) The lack of proper support services or the presence of
- 7 improper treatment services.
- 8 (6) Unsanitary or unsafe living conditions.
- 9 (7) Lack of proper supervision.
- 10 (8) Conduct that creates a public nuisance.
- 11 (b) If a local law enforcement agency that has certified a sober
- 12 living home determines that a reason to decertify under
- 13 subdivision (a) exists, it shall issue a notice to correct the problem
- 14 or violation. The notice shall be sent to the owner, supervisor, and
- 15 manager of the sober living home by certified mail. The notice
- 16 shall include specific complaints or concerns and a date by which
- 17 the problem or violation must be corrected.
- 18 (c) (1) A sober living home that continues to operate in a
- 19 manner that endangers the public safety or that has repeated
- 20 problems or violations as described in subdivision (a) shall be
- 21 subject to the nuisance abatement process of the city or county, as
- 22 applicable, in which it is located.
- 23 (2) A sober living home that is found to create a nuisance
- 24 pursuant to a nuisance abatement procedure that includes a hearing
- 25 shall be decertified by the local law enforcement agency for at least
- 26 two years.
- 27 (d) The court or a probation department, the Department of
- 28 Corrections, or the Department of the Youth Authority shall not
- 29 order or arrange for placement, or refer, persons under the
- 30 jurisdiction of the court or the respective departments to a sober
- 31 living home that has been decertified pursuant to this section.
- 32 SEC. 2. Notwithstanding Section 17610 of the Government
- 33 Code, if the Commission on State Mandates determines that this
- 34 act contains costs mandated by the state, reimbursement to local
- 35 agencies and school districts for those costs shall be made pursuant
- 36 to Part 7 (commencing with Section 17500) of Division 4 of Title
- 37 2 of the Government Code. If the statewide cost of the claim for
- 38 reimbursement does not exceed one million dollars (\$1,000,000),



1 reimbursement shall be made from the State Mandates Claims
2 Fund.

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