

## **AB 109 Public Safety Realignment**

Departments impacted by Public Safety Realignment (AB 109) are required to submit AB 109 adjustments with their departmental budget submission. **The objective of the Recommended Budget phase is to determine each department's AB 109 baseline target allocation. New funding requests and/or allocations will not be considered during the Recommended Budget phase.**

### **AB 109 OVERVIEW AND LEGAL MANDATE**

In 2011, Governor Edmund G. Brown Jr. signed AB 109. AB 109 transferred responsibility for non-violent, non-serious, and non-sex offenders from the State of California (State) to its counties. Additionally, under AB 109, all parole revocations are to be served in county jail instead of state prison. These responsibilities are funded by the State through the AB 109 Community Corrections Subaccount. AB 109 also shifted revocation hearings between the prosecution and defense to the counties. These responsibilities are funded by the State through the AB 109 District Attorney and Public Defender Subaccount. Further, AB 109 includes a Local Innovation Subaccount, which is funded through a 10% set-aside of one-time growth funds received from the State and is intended to promote local innovation and county decision making.

The legislation provides a revenue stream to counties to fund their responsibilities through Vehicle License Fees and a portion of the State sales tax. The base funding amount is not guaranteed and is subject to fluctuations in the economy.

### **AB 109 COMMUNITY CORRECTIONS SUBACCOUNT SCOPE**

Article XIII, Section 36(a)(1) of the State Constitution defines "Public Safety Services" eligible to be funded through the AB 109 Community Corrections Subaccount to include, among other activities: employing and training public safety officials, including law enforcement personnel and attorneys assigned to criminal proceedings; managing local jails; and providing housing, treatment, and services for, and supervision of, juvenile and adult offenders.

AB 109 funds may not be used to supplant other funding for existing Public Safety Services.

### **AB 109 STRUCTURE**

The County AB 109 budget is organized into three categories:

- 1. Ongoing base funding:** Ongoing funding allocated to the County by the State. The County is allocated 31.1036% of the State's AB 109 Community Corrections Subaccount base funding, although the base funding amount is not guaranteed. The County utilizes its ongoing base allocation to meet its AB 109 legal obligations as well as to fund other Board and County priorities.
- 2. New one-time funding:** New one-time funding allocated to the County by the State, which varies annually based on sales tax revenues and various performance metrics.

3. **One-time prior-year carryover funding:** One-time funding allocated at the request of departments to carryover prior-year unspent funding approved for an existing project/program that will continue into the new budget year.

## **PUBLIC SAFETY REALIGNMENT TEAM**

On December 8, 2020, the Board adopted a motion outlining its vision for the future of Public Safety Realignment in the County. Pursuant to the motion, the Public Safety Realignment Team (PSRT) provides program recommendations for AB 109 funding allocations that reflect the County's AB 109 implementation plan and the Board's priorities. As with all budget matters, the AB 109 budget process remains the responsibility of the CEO. However, the PSRT's funding recommendations offer valuable input and guidance that inform the CEO's funding recommendations to the Board. It is anticipated that the PSRT will continue to provide program recommendations that may potentially impact your departments for 2025-26.

## **AB 109 RECOMMENDED BUDGET PROCESS**

Each department's 2025-26 AB 109 baseline target allocation includes:

1. The department's 2024-25 Final Adopted AB 109 budget;
2. Board-approved salary and employee benefit increases;
3. Board-approved program annualizations and related adjustments; and
4. The reversal of one-time prior-year funding.

CEO budget analysts will provide the AB 109 Baseline Target Walkthrough to impacted departments.

Departments are required to submit each line-item adjustment through eBR. Each eBR package must include:

- a. Departmental Org Number. Refer to Exhibit AA for a list of org numbers.
- b. Program Impacted. Refer to Exhibit AA for a list of AB 109 programs.
- c. Type of Adjustment. Select "Revenue Offset - AB 109"
- d. Title naming convention must include "AB 109 – [Insert Title]"
- e. Board Directed Priority (if applicable)
- f. Board Motion (if applicable)

eBR packages must be submitted online through the eBR system. Those departments not in the eBR system must complete the eBR form (Exhibit E) for each budget request and submit to their CEO budget analyst to facilitate data entry.

Departments are not to request new ongoing funding, one-time funding, and/or one-time carryover funding during the Recommended Budget phase. Should additional State or federal funding become available, departments may have the opportunity to submit requests for new ongoing funding, one-time funding, and/or one-time carryover funding during the Supplemental Changes budget phase.

Additionally, departments do not have authority to reallocate AB 109 funding to a different program or budget unit. All reallocation requests must go through the budget process during the Supplemental Changes budget phase for Board approval.

## **COUNTY REIMBURSEMENT PROCESSS**

Details of the County Reimbursement Process will be included in the FY 2025-26 Supplemental Budget Instructions. As a reminder, departments can only claim up to their line-item budgets and cannot redirect savings offset other line-item shortfalls.