



# COUNTY OF HUMBOLDT

For the meeting of: 2/15/2022

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File #: 22-145

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**To:** Board of Supervisors

**From:** District Attorney

**Agenda Section:** Consent

**SUBJECT:**

Establish a Trust Fund Account for Humboldt County Resentencing Pilot Program (4/5 Vote Required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Approve the District Attorney's office request to establish the Humboldt County Resentencing Pilot Program for the Resentencing Pilot Program funding awarded by Assembly Bill 128;
2. Authorize the Auditor-Controller's office to establish the Humboldt County Resentencing Pilot Program fund in an interest-bearing new trust fund account (4/5 Vote Required); and
3. Authorize the District Attorney to sign all documents necessary to establish, administer and modify the Humboldt County Resentencing Pilot Program.

**SOURCE OF FUNDING:**

State of California, Board of State and Community Corrections, Resentencing Pilot Program

**DISCUSSION:**

On June 28, 2021, Governor Newsom signed Assembly Bill (AB) 128, Chapter 21, Statutes of 2021, item 5227-115-0001, that provides counties with funding for the Resentencing Pilot Program. The program was established to support and evaluate a collaborative approach to exercising prosecutorial resentencing discretion pursuant to paragraph (1) of subdivision (d) of Section 1170 of the California Penal Code. AB 128 also includes funding to allow District Attorney's Offices to contract with a community-based organization to carry out the goals of the resentencing pilot program.

As part of the legislation, each county, as authorized in California Penal Code Section 1170.1(b)(3), shall be provided funding for the pilot program to be used for the purposes of resentencing individuals pursuant to the pilot program, including, but not limited to, ensuring adequate staffing of deputy district attorneys, paralegals, and data analysts who will coordinate obtaining records and case files, support data entry, assist in the preparation and filing of pleadings, coordinate with victim services, and any other tasks required to complete the processing and facilitation of resentencing recommendations and to comply with the requirements of the pilot program.

FINANCIAL IMPACT:

Assembly Bill (AB) 128, Chapter 21, Statutes of 2021, item 5227-115-0001, Provision 2(m) provides that Humboldt County District Attorney's Office will receive \$355,000 dollars and pursuant to Provision (4) an additional disbursement of \$250,000 dollars will also be received to allow District Attorneys' Offices to contract with community-based organizations.

Approval of the recommendation to establish a trust fund account for Humboldt County Resentencing Pilot Program does not create a financial impact to the county. Funding received from the state with the passage of AB 128 will be deposited and held in the trust fund until utilized through fund 1100, budget unit 205 - District Attorney to facilitate the establishment and furtherance of the Humboldt County Resentencing Pilot Program. The District Attorney's Office will return to your board with a supplemental budget request once funding is available for allocation to the county.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health and by seeking outside funding sources to benefit Humboldt County needs.

OTHER AGENCY INVOLVEMENT:

Board of State and Community Corrections

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board can choose not to approve the District Attorney's Office Request; however, this is not recommended. The approval of the department's recommendation will allow for the establishment of a trust fund for the Resentencing Pilot Program funding as prescribed in Penal Code 1170.1(b)(3). Without the approval to establish this trust fund, the District Attorney's Office will not have a mechanism to dispense funding for AB 128 related program activities.

ATTACHMENTS:

None

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A