



Jim Beall
California State Senator



Representing the 15th Senate District

Including the cities of San Jose, Campbell, Cupertino, Los Gatos, Monte Sereno, and Saratoga

September 2013 Newsletter

LEGISLATIVE UPDATE

The fate of hundreds of bills was sealed as the legislative year officially came to an end last week. Here's an update on how some of my key bills played out this year.

- **Senate Bill 156** was passed and advanced to the Governor's office for consideration. This bill ends the unfair and costly practice of penalizing conserved adults who challenge questionable fees by estate managers.

Under current law, a conserved person who goes to court to dispute the billings charged by a conservator must pay the costs for the conservator's defense – no matter if they lose or win.

SB 156 clarifies the law so that conservatees who win their fee challenges in court will no longer be subject to reimbursing estate managers for mounting a defense of those unjustified fees.

The bill makes clear that if a court decides a conserved person has been overcharged by their conservator, the conservatee will not be responsible for the costs incurred by the conservator's defense.

I believe this bill will deter unscrupulous conservators from gouging estates.

- **Senate Bill 131** was passed and is under consideration by the Governor. SB 131 gives adult survivors of childhood sexual abuse an opportunity to obtain justice against the institutions that knowingly protected employees who sexually abused children in the work place.

The bill, if signed by the Governor, would open a one-year window for a small group of victims who were deemed by a Supreme Court ruling to be ineligible to seek restitution because of a glitch in the law. The court, however, invited the Legislature to fix the problem.

This bill faced intense opposition from organizations and institutions that believe SB 131 will raise serious liability questions about their possible culpability for failing to stop abuse under their watch. More than \$225,000 was spent on lobbyists and a television commercial campaign aimed at undermining passage of the bill.

SB 131 was supported by healthcare professionals, such as the California Nurses Association, and by law enforcement agencies – the Peace Officers Research Association

and the California Association of Chiefs of Police – and the top prosecutors of Santa Clara and San Diego counties.

To learn how you can help support SB 131, [click here](#).

- **Senate Bill 326** was signed by the Governor this month. It becomes law on Jan. 1. The new law requires schools to notify parents if a registered sex offender, who is not a parent of a child attending that school, is granted permission by the school to participate in school-related activities.

I introduced this bill after meeting with a group of parents from St. Frances Cabrini School after a convicted child molester got permission from school administrators to volunteer at a parish and school activity. A parent spotted the registered sex offender and filed a report with police. The offender was arrested and later found to have violated the conditions of his parole.

MORE LEGISLATIVE ISSUES

It's been a busy year. A balanced budget with a surplus was passed on time. Spending was dramatically increased for our beleaguered schools. The cycle of college tuition rate hikes has been finally broken and a plan adopted to make higher education affordable for middle-class families.

But, there were also bills geared to benefit special interests.

Local conservationists met with me to explain their concerns about a bill to institute basic guidelines for logging, a move to institute a modicum of timber harvesting practices throughout California while opening areas to logging.

But, the bill actually would have trumped far stronger safeguards now in place in the Santa Cruz Mountains, potentially opening up this sensitive region to far more invasive and damaging logging practices, they said.

To save our forest, I spearheaded a drive with other local senators to carve out an exemption for the Santa Cruz Mountains from the bill's new regulations. The upshot: The existing forestry practices that have so well preserved these mountain forests will stay in place.

I also voted on the floor of the Senate against legislation allowing power utilities to add a monthly fixed charge of \$10 a month -- \$120 a year – to consumer bills for upkeep of the grid. I believe the proposal is flawed because it makes no allowance for consumers who conserve electricity or have installed home solar. Unfortunately, this bill was passed by the Legislature and sent to the Governor.

PRISONS

Because of a long-standing consent decree, California's prison system is largely controlled by federal judges who have given the state until Dec. 31 to reduce the inmate population by 9,600. The Governor's initial response to this deadline was to spend \$315 million to farm out inmates to county jails or out-of-state prisons.

But continually accommodating our growing prison population by building more expensive prisons or renting cells isn't the answer.

The solution is simple: Reduce the number of paroled convicts who return to prison.

Our recidivism rate of more than 70 percent is evidence of a failed and costly policy. California's inability to connect parolees with proper rehabilitation programs – including mental health and addiction treatment – is the primary reason why our prison budget swallowed 11.2 percent of the general fund spending last year compared with only 6.7 percent in 2001.

The burgeoning prison budget has diverted precious tax dollars away from our schools, community colleges, and public universities.

Because I've visited and inspected nearly half of the state's 33 penitentiaries, I joined the Senate's working group on state prisons. The group's work laid the foundation for a compromise with the Governor to invest at least \$75 million of the \$315 million to expand rehabilitation programs at the county level. The plan, however, must be approved by federal judges.

The Senate's approach to our festering prison problems is tough on crime because it stops crime.

It mirrors a 2009 plan that rewarded counties with a share of the state's savings generated by fewer probationers returning to prisons. In that plan's first year, the recidivism rate for probationers declined by 23 percent, according to a Pew Center analysis. With nearly 6,200 fewer probationers returning to prison in 2010, California saved \$179 million, the state Department of Finance reported.

Realizing that incarceration is a policy with a steep price tag without an end, many states are now focusing on rehabilitation with success, including Texas.

In 2007, Texas lawmakers budgeted more than \$240 million for residential and non-residential treatment-oriented programs for non-violent offenders and for better in-prison treatment programs. In the wake of the change, Texas saw a decrease in incarcerations, and the per capita rates for serious property, violent, and sex crimes all dropped.

When parolees and probationers are in rehabilitation programs, they don't commit crimes.

EVENTS

I will be holding three events in the coming weeks. Please join me.

CALIFORNIA STATE SENATE- SELECT COMMITTEE ON MENTAL HEALTH
“Every Life Matters: Implementing Effective Suicide Prevention Strategies in California”

Tuesday, September 24 from 1:00pm-3:00pm
California State Building, Milton Marks Auditorium
455 Golden Gate Ave., San Francisco

As chairman of the Senate Select Committee on Mental Health, I invite you to attend an instructive informational hearing to discuss the future of suicide prevention in California.

For more information [email](#) or call Diana Traub at 916-651-4015. To RSVP [click here](#).

FREE Medicare and Health Forums

On Jan. 1, most Americans will be required to purchase health insurance. To help consumers, I am hosting two health forums in October. Learn important tips to find an affordable health plan that fits your needs. Avoid mistakes that can cost you hundreds of dollars in healthcare and prescription costs!

*Saturday, Oct. 5, 9am-12pm
Campbell Community Center, Orchard City Banquet Hall
1 West Campbell Ave., Campbell*

RSVP at www.sen.ca.gov/8326/medicare or call (408) 558-1295.

If you missed the Campbell forum, stop by Mayfair Community Center on Oct. 19. You'll be able to get a free flu shot, blood pressure check, glucose screening, and more at the Community Health Fair.

*Saturday, Oct. 19, 9am-2pm
Mayfair Community Center,
2039 Kammerer Ave. San Jose
Forum 9-12pm
Health Fair 10am-2pm*

For more information or to RSVP, call my district office at (408) 558-1295 or visit www.sen.ca.gov/8326/healthfair

Guest speakers include:

Medicare expert Connie Corrales, from Sourcewise, previously Council on Aging Silicon Valley, will explain Medicare's new changes.

Certified Educators from Covered California will explain whether you are one of the 5 million Californians who will benefit from health coverage offered by Covered California and if you qualify for financial assistance.

Co-hosted by Sourcewise, SEIU Local 521, and Community Health Partnership

Vietnamese and Spanish translation available for those who call ahead.

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