



within the proper prison security levels. Inmates are classified on a points-based system involving the evaluation of 38 factors, including criminal history, length of sentence, behavior during prior terms, and escape history. However, the report notes that apart from this points-based classification system, DOC utilizes administrative determinants that may override an inmate's points-based score. Many of these administrative determinants, including such factors as sex problems, time to serve, escape risk, and known enemies are already encompassed in the points-based system. According to AOR, these subjective determinants often result in the placement of inmates into higher security settings than warranted.

Also, the report addresses the manner in which prison programs are delivered to inmates. According to the report, DOC acknowledges that substance abuse treatment, education, job training, and work programs have suffered as a result of the need to devote funding to the housing of the rapidly growing prison population. For example, nearly 80% of inmates have a substance abuse history, but only 3% of inmates in the California prison system receive intensive drug treatment. According to the report, inmates must wait as long as two years to get access to any kind of educational or work program.

Finally, AOR makes five policy recommendations which would enable DOC to manage its current and future inmate populations more successfully and, according to the report, enable DOC to save \$1.5 billion in capital construction costs and \$21.7 million in annual operating costs by 1996. AOR recommends that the legislature:

- amend DOC's building program to reflect prison inmate population more accurately by mandating that DOC house inmates in facilities commensurate with their security classification level; making double-celling a DOC policy; adopt a Community Corrections Act which would provide a wide range of punishment options at the state and local levels; and create a sentencing reform commission to study the implementation of sentencing guidelines which incorporate the expansion of state and local intermediate punishment options;

- append cost appropriations to legislation that adds to the prison population;

- amend the Penal Code, which now defines the purpose of imprisonment as punishment alone, to add that commitment should provide convicts a path for successful community re-entry via work experience, educational, voca-

tional training, and substance abuse programs;

- develop formal statewide parole revocation criteria to be used by all parole agents when determining who should be continued on parole and who should be referred to the Board of Prison Terms for review; and

- request that the California congressional delegation introduce legislation to require the U.S. Immigration and Naturalization Service and the Federal Bureau of Prisons either to provide for the transfer of aliens to appropriate federal facilities, or to pay for the cost in California of incarcerating undocumented criminal aliens who have deportation orders.

## SENATE OFFICE OF RESEARCH

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Established and directed by the Senate Committee on Rules, the Senate Office of Research (SOR) serves as the bipartisan, strategic research and planning unit for the Senate. SOR produces major policy reports, issue briefs, background information on legislation and, occasionally, sponsors symposia and conferences.

Any Senator or Senate committee may request SOR's research, briefing, and consulting services. Resulting reports are not always released to the public.

## MAJOR PROJECTS:

**Reducing Automobile Pollution** (September 1991) focuses on the California Smog Check Program for automobiles, identifying problems with the Program and making recommendations for improvement.

The report includes a brief overview of the current Smog Check Program. Federal law requires states to implement inspection and maintenance (I/M) programs in urban areas that fail to meet federal clean air standards. In response to this federal mandate, California's Smog Check Program was established in 1982 by SB 33 (Presley) (Chapter 892, Statutes of 1982). In 1984, the Program began operation through the Department of Consumer Affairs' Bureau of Automotive Repair (BAR), and calls for mandatory biennial smog inspections prior to vehicle registration. Vehicles which fail the smog test are subject to mandatory maintenance repairs up to a specified repair cost ceiling. The current ceiling ranges from \$50 to \$300, depending on the age of the vehicle.

Although California has the toughest emission standards in the country and the Smog Check Program appears to be cost-effective, the report states that the Program needs overhauling. California's air is the most polluted in the nation; 90% of Californians live in areas that violate state and federal air quality standards. Automobiles are the single largest contributor to the state's polluted air, with a small minority of cars of all ages producing the majority of auto emissions. According to SOR, random roadside checks performed in 1989 by the Air Resources Board (ARB) and the California Highway Patrol revealed that the cleanest 50% of the cars on the road produce only 3% of the tailpipe carbon monoxide emissions from cars. However, 7% produced 50% of the tailpipe carbon monoxide emissions; the report notes that both old and new cars were found to be among the worst polluters.

SOR offered the following recommendations to improve the Program:

- The legislature should authorize ARB and BAR to inspect vehicles more frequently than biennially and authorize the use of random roadside inspections and remote emissions sensing when it is more cost-effective to do so.

- The legislature should require ARB to evaluate the cost-effectiveness of remote emissions sensing to augment the Smog Check Program.

- The legislature should require ARB, BAR, and the I/M Review Committee to report to the legislature on options for creating a Smog Check Inspection and Repair Fund to help defray the costs of smog check tests and required repairs for economically needy vehicle owners.

- The legislature should require ARB, BAR, and the I/M Review Committee to research and present options for adjusting the current repair cost ceilings.

- The legislature should establish fines for owners of vehicles that have missing, modified, or disconnected emission control components. Further, BAR and ARB should explore ways to differentiate vehicle owner tampering from normal wear and tear of emission control components.

The report also recommends alternative pollution-reducing measures to supplement the Smog Check Program. First, SOR recommends that auto manufacturers be required to produce cars that emit lower levels of pollution. SOR notes that ARB regulations require automobile fuel refiners, blenders, and importers to distribute enough alternative fuels to fuel vehicles not dedicated to gasoline.



Finally, SOR recommends that the legislature enact SB 431 (Hart), which would create the Demand-based Reductions In Vehicle Emissions (Plus Reductions in Carbon Dioxide) (DRIVE+) Program. SB 431 would provide sales tax credits to consumers who purchase cars that pollute less than the average new vehicle; the credits would be financed by a sales tax surcharge on new vehicles that pollute more than average. According to SOR, SB 431 would encourage manufacturers to produce cleaner vehicles through market demand. (See *infra* agency reports on BAR and ARB for more information on the Smog Check Program and SB 431, respectively.)

