

1986

Summary of 1986 Prison Related Legislation

Joint Committee on Prison Construction and Operations

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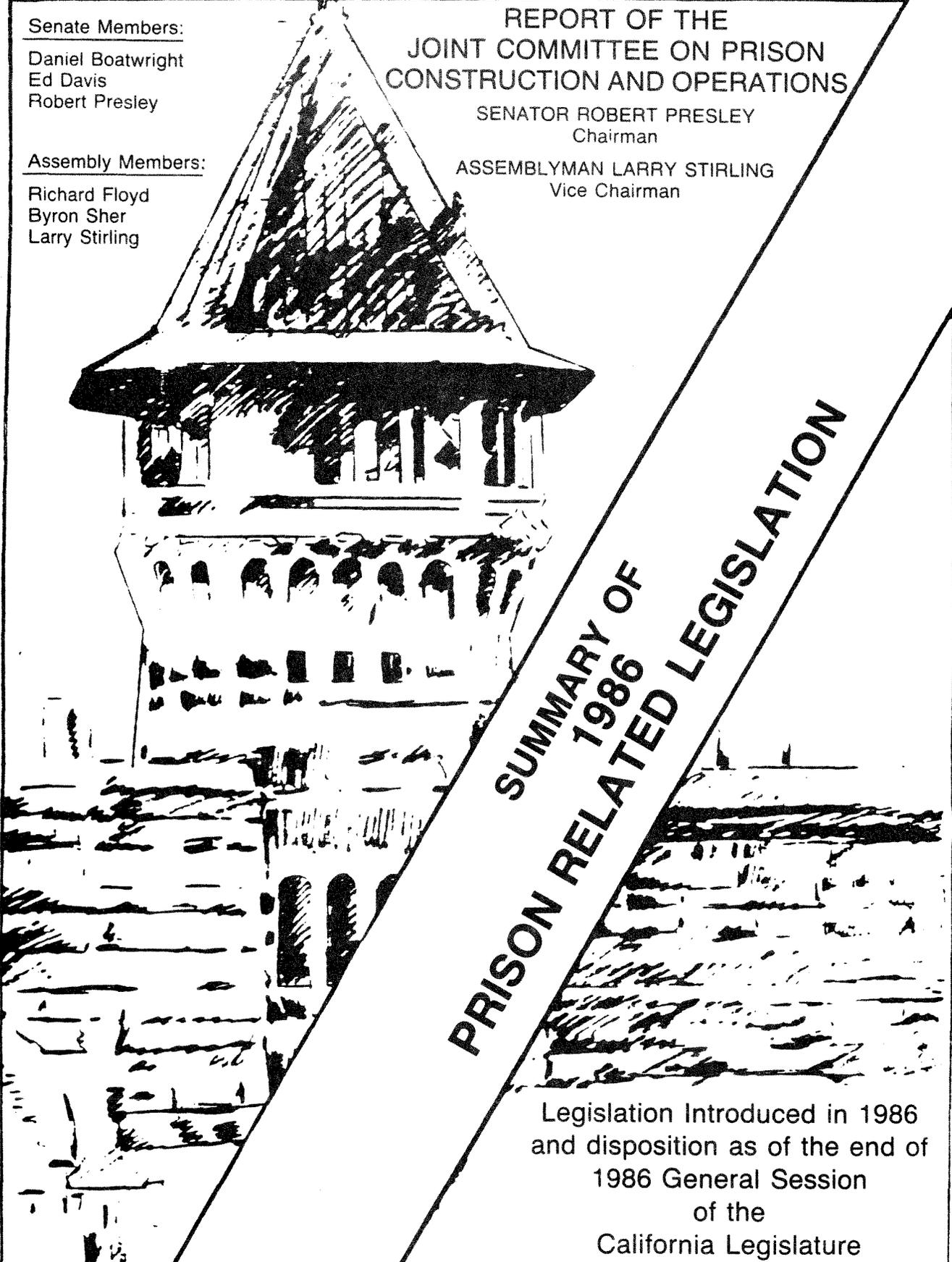
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REPORT OF THE
JOINT COMMITTEE ON PRISON
CONSTRUCTION AND OPERATIONS

SENATOR ROBERT PRESLEY
Chairman

ASSEMBLYMAN LARRY STIRLING
Vice Chairman



SUMMARY OF
1986
PRISON RELATED LEGISLATION

Legislation Introduced in 1986
and disposition as of the end of
1986 General Session
of the
California Legislature

Note to the Reader

Provisions and contents of bills obviously vary as a bill works its way through the Legislature, is amended, changed. The content of some bills is entirely different when it is signed, compared to when first introduced.

Descriptions herein attempt to reflect the bill's contents at the end of the 1986 Legislative Session.

Compiled by
Rob Piering, Barbara Hadley and Robert Holmes
Joint Legislative Prison Committee Staff

1986 SIGNIFICANT PRISON LEGISLATION

SENATE BILLS

SB 146 (Presley) - Jail Bond Issue

Placed before the voters a \$495 million general obligation bond issue at the June 1986 election to finance construction, reconstruction, remodeling, replacement and deferred maintenance of county correctional facilities. Stipulated that up to \$20 million of bond funds be dedicated to construction of juvenile facilities. (Chapter 12, Statutes of 1986)

SB 147 (Presley) - Correctional Treatment Centers

Would have added a new health facility licensing category: Correctional Treatment Center, covering all state prison medical facilities except prison hospitals. Required the Office of Statewide Health Planning and Development, in consultation with Department of Corrections, Youth Authority and Department of Mental Health to develop and adopt regulations to implement this licensure classification. (Died in Assembly Health Committee, but subsequently enacted in SB 331 (Presley, of 1987)

SB 259 (Maddy) - Assault by Prisoners

Provides that every prisoner who has been sentenced to a state prison (rather than already being in a state prison) and who commits an assault on another with a deadly weapon coupled with malice aforethought, is punishable with death or life imprisonment without the possibility of parole if the assault on the victim results in the victim's death within a year and a day of the assault. (Chapter 1445, Statutes of 1986)

SB 544 (McCorquodale) Mental Health

Requires that prior to admission to a designated mental health facility for 72-hour treatment and evaluation, a person shall be examined by a professional in charge of the facility or his or her designee to determine the appropriateness of the involuntary detention. (Chapter 323, 1986)

SB 550 (Presley) Pharmaceutical Standards, Prisons & Jails

Requires the Board of Corrections, as lead agency in cooperation with the Board of Pharmacy and an advisory committee composed of specified persons, to conduct a study of various pharmaceutical policies in state and local correctional facilities. The measure directs the Board of Corrections to develop standards for the handling of drugs in local correctional facilities and propose similar regulations for state correctional facilities after consultation with the Board of Pharmacy and the advisory committee. (Chapter 376, Statutes of 1986)

SB 904 (Presley) Prison Authorization: Blythe, Los Angeles, Madera

Allows the Department of Corrections to construct and establish three 500-bed work-based medium security prison units and service facility of lesser security in Riverside County (subsequently located at Blythe) and a 1,700-bed work-based prison or reception center including a 200-bed service facility in Los Angeles County on the Crown Coach site in East Los Angeles. Required the department to perform site suitability studies and prepare an EIR for a facility in Madera County. (Failed passage on Senate Floor as a conference item)

SB 1222 (Keene) Prison Authorization: Del Norte County

Authorized construction of a 2,000 bed maximum security complex in Del Norte County, authorizes up to \$325 million in lease-purchase revenue bonds, as specified, and appropriated \$13 million for various activities in connection with the Del Norte complex. (Chapter 533, Statutes of 1986)

SB 1246 (Presley) Loss of Work Credits

Increased the amount of work time or good behavior credits (sentence reductions) which can be denied or lost to a prisoner because of the prisoner's commission of certain acts of violent misconduct. Also reduced the rights of certain inmates to regain such credits under certain circumstances. Purpose was to reduce prison violence. (Chaptered 1446, 1986)

SB 1292 (McCorquodale) Medical Facility

Existing law provided that in a Department of Corrections medical facility, the primary purpose of the medical facility is the receiving, segregation,

confinement, treatment, and care of specified persons who are mentally disordered, developmentally disabled, addicted to controlled substances, or suffering from any other chronic disease or condition. This bill revised the above provision by providing that persons in a medical facility must be mentally disordered, developmentally disabled, addicted to controlled substances, or suffering from any other chronic disease or condition. (Chaptered 120, 1986)

SB 1296 (McCorquodale) Mentally Disordered Prisoners: Retention Beyond Sentence

Provides for the treatment and retention in state hospitals of certain inmates who have severe mental disorders that are not in remission or cannot be kept in remission without treatment at the time their sentence ends; for renewable one-year periods. (Chaptered 1419, 1985)

SB 1477 (Doolittle) Jail Prisoners: Interstate Transfers

Permit counties to utilize jail facilities in adjacent states when appropriate. (Chapter 860, 1986)

SB 1513 (Doolittle) AIDS Testing: Prison Inmates

1) requires the Department of Health Services to administer a blood test for evidence of AIDS antibodies to every person sentenced to state prison if the chief medical officer of the prison reasonably believes that the person has contracted AIDS based upon a medical examination, and 2) require the results of the tests to be disclosed to the warden of the state prison where the person is incarcerated. (Died in Assembly Public Safety Committee)

SB 1521 (Presley) Prisons: County Cost Reimbursement Increase

Revises various provisions of law relating to state payments to cities and counties for costs associated with state prisons and inmates by expanding the types of costs incurred by a county for which it could bill the state, such as, court costs and arrests of visitors to prisons.. (Chapter 1310, 1986)

SB 1668 (Presley) Attempted Murder, Sentence, Elements

Specified the elements involved in an attempt to commit a crime, stipulating them to include the intent to commit the crime as well as a direct but ineffectual act done towards its commission. Also provided that a person who attempts the crime of willful, deliberate and premeditated murder would be subject to confinement in a state prison for life without the possibility of parole. (Chapter 519, 1986)

SB 1693 (Roberti) Prisoners: Reading Material

Authorizes the Director of Corrections to prevent inmates from receiving reading material that involves a sexual assault on a correctional employee. (Chapter 1177, Statutes of 1986)

SB 1845 (McCorquodale) Mentally Disordered Prisoners

Provides that written evaluations on the mental state of a prisoner receiving treatment in a state mental hospital be submitted to the district attorney of the county of confinement. Also, subsequent petitions for continued treatment of a person must be made by the district attorney in the county of commitment. (Chapter 858, 1986)

SB 1982 (Montoya) Private Correctional Facilities: Licensing Agency

Would have established the Private Incarceration Facilities Commission which would have the sole authority to license and contract with "private incarceration facilities" (PIF) for the housing of the following criminal inmates: persons with acquired immune deficiency syndrome (AIDS), who are pregnant, who require hospital treatment for physical or mental problems, or who must be isolated from the general prison population for their own safety or the safety of other confined persons. (Died in Senate Judiciary)

SB 2020 (Davis) Habitual Criminal Definition

Provides that persons who commit specified felonies and have been previously convicted and incarcerated for two or more of these felonies shall be adjudged habitual criminals and shall be punished by imprisonment in the state prison for life, as specified. (Chapter 1440, 1986)

SB 2098 (Presley) Prisons: San Quentin, Folsom Funding; Prison
Committee Guidelines

Authorizes the Department of Corrections to remedy building deficiencies at San Quentin and Folsom prison, as specified by court order. Appropriates a total of \$47.7 million.

Changes the name of the Joint Legislative Prison Committee to the Joint Legislative Committee on Prison Construction and Operation and delays sunset date until January 1, 1993.

Provides that the Department of Corrections, prior to submitting its completed preliminary plans to the committee, submit site development plans, housing and service facility schematics, preliminary staffing ratios and proposed prison industry enterprises for each facility in the master plan.

Changes the 30-day committee action deadline on prison plans to 45 days, after which the plans are deemed approved. (Chapter 1314, 1986)

SB 2168 (Maddy) Escapes: Jail Probationers

Provides for the automatic revocation of probation and a subsequent hearing when a person who is serving time in jail as a condition of probation escapes from custody. (Chapter 850, 1986)

SB 2543 (Presley) Allocation of Jail Bonds, Standards, Master
Plan; Board of Corrections Membership

Allocated \$495 million proceeds of the County Correctional Facility Capitol Expenditure Bond Act of 1986, declared legislative intent about priority for future bonds, imposed eligibility standards for jail bond projects, established an ad hoc advisory committee to the Board of Control to promulgate eligibility standards for mentally ill and inebriated prisoners, requires California Youth Authority's allocation to be done before March 1, 1988 and stipulates that eligible counties must develop a master plan for county detention facilities. Also altered the composition of the 11-member Board of Corrections to ensure some members have experience in management of local jails and training of their staff. (Chapter 1519, 1986)

ASSEMBLY BILLS

AB 1257 (Campbell) Education of Jail Prisoners

Authorizes county Board of Supervisors to contract with local education agencies to provide adult education courses for inmates. This bill also requires State allocations to local education agencies that provide such courses. (Vetoed by Governor)

AB 1480 (Seastrand) Worktime Credits, (Loss of)

Provides that a prisoner would incur no loss of time credit because of excused absences from the work assignment, including visits to a physician and surgeon, a dentist, or a correctional counselor. (Died on Senate Third Reading File)

AB 2545 (Robinson) Prison Bond Issue: \$500 Million

Put before voters on the November 1986 Ballot a \$500 million bond issue for acquisition, construction, renovation, remodeling and deferred maintenance of state correction facilities. (Chapter 409, Statutes of 1986)

AB 2547 (Molina) Los Angeles Prison: Siting Provisions

Prohibits the Department of Corrections from constructing a new prison in Los Angeles County within 10 miles of existing county jails or federal correctional facilities with a total rated capacity of more than 7,000 inmates. (Failed passage in Senate Appropriations Committee)

AB 3110 (Connelly) Parolees: Information

Deletes sunset provisions of existing law which requires that 1) local law enforcement officials be notified of the identity of parolees who are or will be residing in their jurisdictions and 2) advance notice be given to local governing bodies of the establishment or change in the size of community correctional facilities in their jurisdictions. (Chapter 600, 1986)

AB 3137 (Vasconcellos) Prison Inmates: AIDS Treatment

Allows the Director of Corrections to enter into contracts with public or private agencies located within or without the state for the housing, care, and treatment of inmates with AIDS or AIDS related complex. (Chapter 921, 1986)

AB 3139 (Costa) Major Prison Funding & Legislative Requirements

Made a number of provisions for prisons in Madera County, Modoc County, Imperial County, Kern County, Northern California Women's Facility in San Joaquin County, and appropriates \$7,693,000 for such. Requires all prison warden and superintendent nominees to go before Senate Rules for approval.

Authorized construction of an inmate camp in Modoc County, providing \$4 million.

Appropriated \$1.5 million for additional construction costs at the Northern California Women's Facility.

Authorized \$500,000 to conduct a feasibility study for a possible prison in Imperial County. Appropriated \$500,000 to CYA for expansion of vocational/educational program space.

As an effort to reduce prison costs and meet improvements, the design of San Diego Prison was removed from being the prototype for Riverside and all other medium security prisons.

Required Corrections to conduct a site suitability study towards the possible construction of a 2,000 bed women's prison in Madera County. (Chapter 1391, 1986)

AB 3227 (Bates) Prisons: Inmate Release Study

Would have required the Department of Corrections to submit a report to the Legislature by April 13, 1987 on options for expanding pre-release and post-release programs for inmates. (Vetoed by Governor)

AB 3316 (McClintock) Escaped Prisoners

Authorized the Director of Corrections to order any peace officer to return to custody any escapee under the Director's jurisdiction. Specified that a written order from the Director shall be sufficient warrant for any peace officer to return an escaped inmate to custody. (Chapter 585, 1986)

AB 3393 (Floyd) Prison AIDS Study

Would have authorized voluntary AIDS antibody (HTLV-III) blood tests on selected prisoners in order to conduct a University of California structured epidemiological study of AIDS transmission within the prison system. (Died in Senate Appropriations)

AB 3778 (Stirling) Prison Industry Authority: Product Sales

Would have authorized the Prison Industry Authority (PIA) to sell products and services to nonprofit public benefit corporations, and to residents of state-operated institutional facilities. (Failed passage on Assembly Floor)

AB 4116 (Floyd) Adelanto Prison Authorization, Repeal

Would have repealed the authority to construct a 1,150 bed prison at Adelanto, San Bernardino County. It would also provide that the net revenue received from the sale of property formerly acquired for the site would be returned to the New Prison Construction Fund. (Failed Passage in Assembly Ways and Means Committee)

The bills listed below were part of a 2 year legislative effort aimed at selecting sites and authorizing prison construction in Los Angeles, however, the issues were not resolved until the 1987 session by SB18 (Presley).

AB 2547 (Molina) Prisons

Prohibits the Department of Corrections from constructing a new prison in Los Angeles County within 10 miles of the existing county jails or federal correctional facilities with a total rated capacity of more than 7,000 inmates. (Failed passage in Senate Appropriations Committee)

AB 4356 (Robinson) Prisons

Allows up to \$650 million in bonds under the new Prison Construction Bond Act of 1984, and provides funding for various prisons. (Chapter 532, Statutes of 1986)

SB 904 (Presley) Prisons

Allows the Department of Corrections to construct and establish three 500-bed work-based medium security prison units and service facility of lesser security in Riverside County (subsequently located at Blythe) and a 1,700-bed work-based prison or reception center including a 200-bed service facility in Los Angeles County on the Crown Coach site in East Los Angeles. Required the department to perform site suitability studies and prepare an EIR for a facility in Madera County. (Failed passage on the Senate Floor as a conference item)

SB 1X (Lockyer) Prisons

Would have provided for 1) three 500-bed prisons in Riverside County, 2) one 1,700-bed prison in Los Angeles County, 3) the CDC to prepare an environmental impact report for a proposed prison at a "Crown Coach" site in Los Angeles County, and one at an additional site in Los Angeles, 4) specifies various requirements if the "Crown Coach" site is selected, and 5) also appropriates up to \$31.4 million to fund the above. (Died in Senate Judiciary Committee)

SB 2X (Lockyer) Prisons

Would have provided for 1) three 500-bed prisons in Riverside County, 2) one 1,700-bed prison in Los Angeles County, 3) the California Department of Corrections to prepare an environmental impact report for a proposed prison at a "Crown Coach" site in Los Angeles County, 4) specifies various requirements if the "Crown Coach" site is selected, and 5) also appropriates up to \$31.4 million to fund the above. (Died in Conference Committee)

AB 1X (Costa) Prisons

Would have provided for 1) three 500-bed prisons in Riverside County, 2) one 1,700-bed prison in Los Angeles County, 3) the California Department of Corrections to prepare an environmental impact report for a proposed prison at a "Crown Coach" site in Los Angeles County, 4) specifies various requirements if the "Crown Coach" site is selected, and 5) also appropriates up to \$31.4 million to fund the above. (Died in Conference Committee.)

APPENDIX

Impact of Legislation

Below are examples of the impact legislation approved in 1986 had in adding inmates to the prison system, as compelled by the Department of Corrections.

Chapter 85, Statutes of 1986 (AB 2049, Katz, et al.)

An urgency measure, effective May 6 1986, prohibiting a judge from striking any prior conviction of a "serious felony" for the purpose of avoiding a five-year sentence enhancement when the defendant is being presently sentenced for a "serious felony". As a result of this bill, an estimated 105 felons per year will serve an additional 31 months in prison beginning in FY 1988-89.

Chapter 80, Statutes of 1986 (AB 2362, Condit)

Taking effect January 1, 1987, this bill provided (a) an additional term of 3-years to be imposed for each and every prior conviction of specified drug offenses, (b) additional penalties for conviction of specific offenses involving methamphetamine, amphetamine or phencyclidine (PCP) and its analogs and (c) additional penalties for manufacturing methamphetamine or amphetamine where the weight or volume exceeds a specified amount. This bill is estimated to affect 100 felons (90 felons serving an average of 33 to 35 additional months and 10 felons serving an average of 18 to 24 additional months). In all, inmate impact is estimated to be 270 individuals beginning in FY 1992-93.