

1988

Summary of 1987-88 Prison Related Legislation

Joint Committee on Prison Construction and Operations

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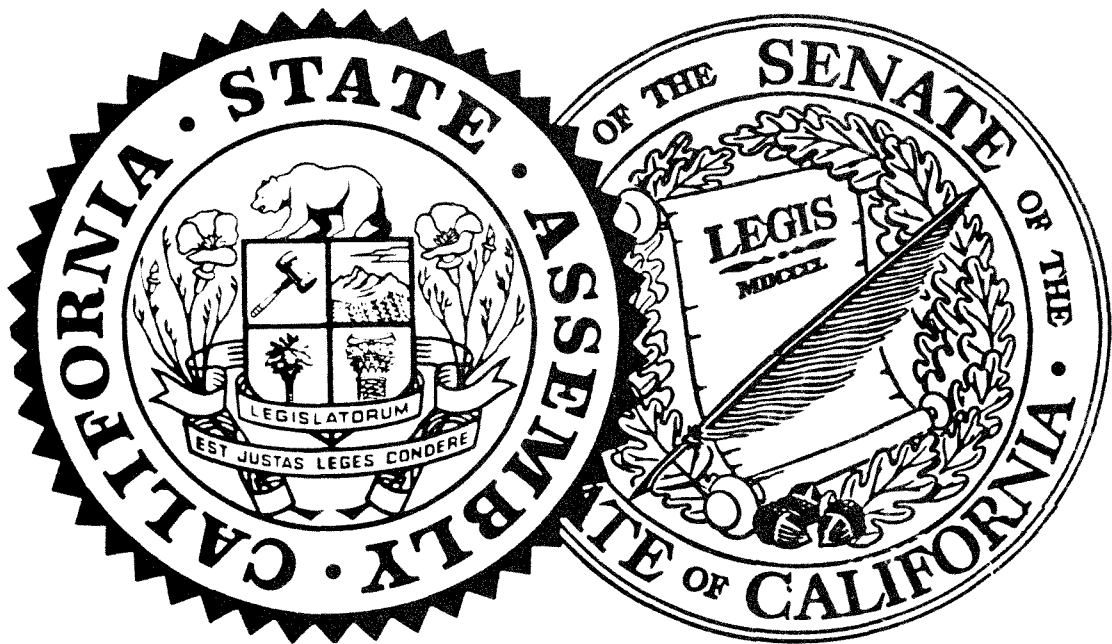
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**SUMMARY OF
1987-88
PRISON RELATED LEGISLATION**



Senate Members:

Daniel Boatwright
Ed Davis
Robert Presley

Assembly Members:

Richard Floyd
Byron Sher
Larry Stirling

**REPORT OF THE
JOINT COMMITTEE ON PRISON
CONSTRUCTION AND OPERATIONS**

SENATOR ROBERT PRESLEY
Chairman

ASSEMBLYMAN LARRY STIRLING
Vice Chairman

Legislation Introduced in 1987-88
and disposition as of the end of
1987-88 General Session
of the
California Legislature

Note to Reader

Provisions and contents of bills obviously vary as a bill works its way through the Legislature, is amended and is changed. The content of 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 1987-88 Legislative Session.

Compiled by
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Joint Legislative Prison Committee Staff

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JOINT COMMITTEE ON PRISON CONSTRUCTION AND OPERATIONS

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JOINT COMMITTEE ON PRISON CONSTRUCTION AND OPERATIONS

SUMMARY OF PRISON RELATED LEGISLATION

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Tehachapi	AB 3886

1987-88 SUMMARY OF PRISON
RELATED LEGISLATION
SENATE BILLS

SB 16 (Presley) Reduction-in-time Procedures.

Provides that the reduction-in-time served by persons sentenced to state prison, participating in work, training, or educational programs, be extended to certain parolees who are returned to custody because of a parole violation. In addition, bill repeals existing law requiring the Department of Corrections to vacate the California Men's Colony, specifies the reduction-in-time served be applied to confinement pursuant to parole revocation guidelines (as specified), and appropriates \$180,000 for equipment installation. (Chp 1435, 1987).

SB 18 (Presley) Prison Construction Authorization: Los Angeles County.

Authorizes the construction of two new prisons (one urban and one rural) in Los Angeles County; provides for the construction of a 2,200 bed prison at Mira Loma and deletes site alternatives relative to Mira Loma; and, prohibits funding of Los Angeles prison for occupancy until construction has begun on the second prison. In addition, this bill establishes a three member certification panel to review and approve the Environmental Impact Report and requires meetings be open to the public. Also, bill appropriates \$147 million from the 1988 Prison Construction Bond Fund to the Department of Corrections. (Chp 165, 1987).

SB 117 (Lockyer) Sentencing: Worktime Credits.

Current law provides that under determinate sentencing the inmate may work off his or her sentence by work time credits. Bill specifies that work time credits shall apply to inmates providing tutorial assistance to other prisoners under the supervision of a licensed instructor approved by the department of Corrections. (Chp 1159, 1988).

SB 138 (Presley) Peace Officer: Training Course.

Modifies existing provisions concerning peace officers training as prescribed by the Commission on Peace Officer Standards and Training. Bill requires every peace officer, including CHP members, to satisfactorily complete a training course and pass a written examination. In addition, bill extends the effective date of the provisions establishing the Police Officer's Memorial Account in the General Fund from January 1, 1988 to January 1, 1989. (Chp 157, 1988).

SB 180 (Watson) Sexual Assault: Physician Reimbursement.

Under Existing law the cost of an examination of a victim of a sexual assault, examined by a physician, hospital or an emergency medical service, shall be charged to the appropriate local government agency. This bill would have deleted the restitution on indirect costs and authorized the examining physician, hospital or medical service, to apply for reimbursement from the Restitution Fund after the victim has applied. (Vetoed, 1988).

SB 196 (Torres) Prison Construction: Los Angeles Zoning Codes.

Requires the Department of Corrections to comply with all zoning ordinances prior to designating a prison site and before beginning prison construction and operation. (Died in Senate Appropriations Com.)

SB 255 (Davis) Computer Crimes.

Expands the scope of and revises existing law relating to an employee's access to an employer's computer, computer system and network, in which the use thereof constitutes an unlawful criminal activity. In addition, bill specifies that a person who causes unlawful access to computers is guilty of personal access and thus, can be prosecuted in criminal and civil court. (Chp 255, 1987).

SB 262 (Presley) Marshal Consolidation; Warrants; and PIA Funding.

Provides for the Abolishment of the San Bernardino County Marshals Department and permits its consolidation of services and personnel to form the San Bernardino Sheriffs Department; allows the release of, upon issuance of a citation in lieu of physical arrest, a person designated in a warrant arrest for a misdemeanor; changes the requirement for payment of a judgement in cases where a bond had been declared forfeited by the court, from 5 days to within 30 days; authorizes Prison Industry Authority to operate enterprises (as specified) under CDC and funded by Prison Industry Revolving Fund; and, authorizes the reimbursement to counties, certain trial costs associated with the escape of state prisoners. (Chp 1303, 1988).

SB 271 (Royce) Sentencing of Minors.

Would have expanded existing law to include, under the death penalty clause, persons between the ages of 16-18 years, who are found guilty of first degree murder, to be sentenced to life without parole or to 25 years to life. (Died in Assembly Com. on Public Safety).

SB 279 (Presley) Establishment of the Blue Ribbon Commission.

Establishes the Blue Ribbon Commission on Inmate Population Management, composed of 25 members, appointed by the Governor, the Senate Rules Committee, the Speaker of the Assembly, the California Judges Association, and specified ex officio members. This Commission will examine matters related to the corrections system, perform prison population and cost-benefit analysis, study alternatives to incarceration and make recommendations to the Legislature and the Governor. (Chp 1255, 1987).

SB 286 (Robbins) Coaches: Drugs to Minors.

Specifies that any coach, trainer or athletic director, who furnishes drugs and controlled substances to minors (under the age of 18 years) for purposes relating to participation on a team or in a league, is guilty of a misdemeanor. This bill excludes physicians, parents and guardians. (Chp 999, 1988).

SB 289 (Doolittle) Siskiyou County Prison Authorization.

Would have required the Department of Corrections to perform a preliminary evaluation of sites for the purpose of potentially constructing a prison in Siskiyou County, to be included in this analysis is the cost relating to transportation, staffing and so forth, that may arise due to the distance of the County from urban centers. In addition, this bill would have appropriated \$50,000 for the 1986 Prison Construction Fund to CDC for construction purposes. (Died in Senate Appropriations Committee).

SB 302 (Ayala). Home Detention Program.

Would have allowed any county to establish a home detention project, authorizes participating courts to sentence person convicted of misdemeanors and nonviolent felonies to have detention, and enables any person convicted of a misdemeanor or nonviolent felony, who is sentenced to county jail, to petition the sentencing court for an order permitting all portions of the sentence of imprisonment be served in a home detention program. (Died in Senate JUD Com.).

SB 331 (Presley) Correctional Treatment Center.

Under existing law the State Department of Health Services is required to license facilities as defined. This bill creates a category of health facilities known as, correctional treatment centers, which are operated by CDC, CYA, or the county and city law enforcement agency, providing both inpatient and outpatient health services to inmates who do not require general acute care. In addition, this bill requires SDHS and the

Office of Statewide Health Planning and Development, in consultation with CDC, CYA and SDMH, to develop and adopt licensure regulations; appropriates \$136,000 to SDHS for carrying out such duties; and incorporates additional amendments to Section 1250 of the Health and Safety Code. (Chp 1282, 1987).

SB 381 (Kopp) Crimes: While In Custody.

Provides for the punishment of crimes committed by persons while in custody. Specifies that any person who commits any public offense while in custody in a local detention facility or state prison shall be punished. (Chp 1005, 1988).

SB 398 (Rogers) Parole: Violent Felony.

Would have changed existing law by including under the "violent felony" clause, any violent acts committed by persons on parole. Bill further requires that these persons be returned to prison for the maximum allowable parole period. (Died in Senate Appropriations Com.).

SB 402 (Presley) Murder of Peace Officers.

Amends existing law with respect to first degree murder. Bill specifies that perpetrators who knowingly and willfully kill a peace officer have committed a crime that constitutes first degree murder. (Chp 1006, 1987).

SB 425 (McCorquodale) Mentally Disordered Offenders Treatment.

Under existing law patient-physician communications are privileged. This bill specifies that no such privileged communications exist in cases where the psychotherapist is appointed by the Board of Prison Terms to treat a prisoner; and, it renames the Conditional Release Program to the Mental Health Conditional Release Program. Extends the requirement for the State Department of Mental Health to determine placement of a parolee in a mental health facility or in an outpatient program setting, from 15 days to 20 days. (Chp 687, 1987).

SB 445 (Kopp) Venue: Jury Selection.

Specifies that when there is a change of venue, the selection of a jury should occur in the county or district to which venue would otherwise have been transferred, and that the jury be moved to the district where trial is pending; and, requires the sheriff to deliver prisoner to county where jury selection occurs. (Chp 780, 1987).

SB 468 (Presley) Enacts Prison Construction Bond Act.

Enacts the New Prison Construction Bond Act of 1988. Specifies that an \$817 million general obligation bond act for state prison construction be submitted to voters and provides that funding for the construction of the Madera Prison be obtained through lease-purchase financing arrangements; and, it authorizes the issuance of \$225,000,000 in revenue bonds for construction of Madera Prison. (Chp 43, 1988).

SB 538 (McCorquodale) Mentally Disordered Parolees.

Current law provides that, as a condition of parole, a parolee must continue mental health treatment and that such treatment shall continue upon termination of parole, for up to 1 year, for those parolees with severe mental disorders. This bill specifies that such treatment is only applicable for purposes of determining mental disorders that cannot be treated without continued treatment. It deletes the requirement that the petition, submitted by the DA, state reasons necessitating continued treatment of persons with severe mental disorders. (Chp 658, 1988).

SB 582 (Morgan) Crimes: Probation Reports.

In cases where a person is convicted of a felony and is eligible for probation,, before judgement is announced, a probation report must be submitted to the court at least 5 days in advance. Existing law prohibits granting of probation to persons convicted of criminal acts, including assault with intent to commit murder. This bill deletes the reference to this offense. (Chp 1379, 1987).

SB 589 (Floyd). Crimes.

Would have expanded existing law relating to felonies, to include the killing of a witness in specified juvenile proceeding, as well as felony child abuse and foreign object rape. (Died in Senate JUD. Com.).

SB 613 (Presley) Inmate Witness.

Existing law adopts the Uniform Act to Secure The Attendance of Witnesses from without the State in criminal cases, which, among other things, establishes a \$20 per diem for out-of-state witnesses in criminal cases. This bill creates an exception to the per diem provision for inmate witnesses, and provides instead for their food and lodging at an appropriate penal institution within the State. (Chp 322, 1987).

SB 1007 (Doolittle) Sex Crimes: AIDS Testing.

Would have made it a felony for a person to commit specified sex-related crimes if the person tested positive for AIDS; would have required persons convicted of certain sex crimes to take an AIDS blood test; requires the results thereof to be reported to the Department of Justice and for the County Health officers to provide counseling programs for victims and offenders of sex offenses. In addition, bill would have appropriated \$2 million to the State Mandates Claims Fund for reimbursement to local agencies. (Chp 1597, 1988).

SB 1265 (Presley) First Degree Murder: Behavior Credits.

Provides that persons serving sentences for first degree murder are only eligible for good behavior participation credits. (Chp 121, 1988).

SB 1499 (Presley). Electronic Eavesdropping.

Existing law prohibits electronic eavesdropping or recording of confidential communications, except by trained law enforcement officers. This bill will authorize wire tapping by law enforcement officers investigating drug violations; creates new crimes relating to the interception of wire communications; requires the Commission on Peace Officer Standards and Training to establish training courses in eavesdropping and wire tapping and for the Attorney General to set Certification standards for officers completing such course. (Chp 111, 1988).

SB 1664 (Presley) Bond Acts: County Correctional and Youth Facilities.

Enacts the County Correctional Expenditure and Youth Facility Bond Act of 1988, of which authorizes the financing of construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities, county juvenile facilities and youth shelter; and issues pursuant to the State General Obligation Bond Law, bonds in the amount of \$500,000,000. In addition, this bill provides for the submission of bond acts to voters in statewide elections. (Chp 264, 1988).

SB 1782 (Presley) Authorizes Two Prisons in Kern County.

Appropriates \$439 million for the construction of two Level III correctional facilities, Wasco and Delano, in Kern County. (Chp 1579, 1988).

SB 1913 (Presley) AIDS Testing, Education, Officers and Inmates.
Establishes specific procedures under which AIDS antibody testing could be required of an inmate in a correctional facility, a person taken into custody and charged with a crime, and parolees or probationers. (Chp 1579, 1988).

SB 1950 (Presley) Mother Infant Care Program For Inmates.
Puts into law entrance requirements for female inmates to participate in the Mother Infant Care Program, for inmate mothers with children under 6 years, and who are eligible for release to a community facility. Persons who pose a threat are denied placement and pregnant mothers ready to deliver, are authorized placement. Also, requires Corrections to report twice a year to the Joint Committee on Prison Construction and Operations, its plans for new prisons, halfway houses and work furlough houses. (Chp 1044, 1988).

SB 1970 (Ellis) Sale of Prison Industry Products.
Provides that product made under PIA may be purchased by state agencies and offered for sale to prison inmates and other person under the care of the State and who reside in State operated institutions. (Chp 458, 1988).

SB 1989 (Presley) Notification of Crimes: Extension On Filing.
Authorizes the Department of Corrections to delay, for up to 30 days, notifying prisoners of the discovery of information, which may result in the loss of sentence credits. Also, bill requires the Governor, during the 30 days following action on parole, to review supporting material and if appropriate, to revise or modify actions of the parole authority. (Chp 1626, 1988).

SB 2100 (Presley) Prison Placement and Work Credits.
Provides that the Youth Offender Parole Board, rather than the Director of CYA, retain the right to place youth authority parolees in local work furlough programs, permits CDC to place inmates in work furlough programs for 120 days, rather than 90 days; specifies that parole violators held in facilities (other than CDC) be entitled to earn work time credits in the same manner afforded to state-held violators; permits parole violators (except for certain crimes) to be housed in return-to-custody facilities and to earn worktime credits; amends SB 331 regarding licensing prison medical centers, extends time to 120 days that inmates can serve in work-furlough facility and makes a change in policy at CYA. In addition, this bill requires that the State Department of Mental Health, adopt regulations for correctional treatment centers that provide psychiatric and psychological services. (Chp 1608, 1988).

SB 2205 (Roberti) Sex Assault Victims: Medical Examinations.

Existing law requires the Office of Criminal Justice Planning to establish protocol for examination of sexual assault victims, including child molestation, and to set standards for the collection and preservation of evidence therein. In addition, public and private hospitals must comply with the protocol and standards. This bill would have required that only hospitals with emergency room services to comply with examination protocol; require reimbursement to providers for the cost of the exam, up to \$200; and that the presence of medical professionals be arranged so that victim's would not have to travel 100 miles or more than 2 hours for specialized care. (Vetoed, 1988).

SB 2325 (Garamendi) Work In Lieu Of Confinement.

Provides that county prisoners be permitted to voluntarily work on the repair of levees, as they currently do on the public works and ways, in lieu of a day of confinement. (Chp 1547, 1988).

SB 2408 (Kopp) Release of Prisoners: Victim Safety.

Provides that an inmate who was committed to prison for perpetuating a violent felony, shall not be paroled to an area within 20 miles of the victim or witness. (Chp 1367, 1988).

SB 2543 (Maddy) Capital Punishment.

Would have enacted the Capital Punishment Act of 1988, which would revise and establish special circumstances and provisions concerning conduct subject to the death penalty or life imprisonment without the possibility of parole, or confinement in the State prison for a term of 25 years to life. Bill specifies that those who are found guilty of first degree murder, with special circumstances (age 16-18 years), would serve a term of life imprisonment or 25 years to life. This was a controversial bill. (Died in the Senate Committee, refused to concur in Assembly amendments, 1988.)

SB 2699 (Davis) Parole Revocation Procedures.

Existing law requires that parole revocation proceedings be conducted by a panel of not fewer than two persons. This bill would have permitted the conducting of proceedings with one person, if the finding of the charged conduct does not preclude eligibility for work-time credits. (Died Senate Judiciary).

SB 2725 (Richardson) Prisoners: Reduction Of Sentence.

Existing law requires notification of state prisoners of rules relative to reduction of sentences for good behavior. This bill would have made technical and nonsubstantive changes to existing laws provisions. (Died Senate Rules Com.).

SB 2726 (Richardson) Prisoners: Parole

Under existing law, an inmate serving a sentence, which include a period of parole, shall be released on parole after being imprisoned for 1 year and a day, or longer, but not to exceed 3 years, unless the Board of Prison Terms waives parole and discharges the inmate. This bill would have made technical changes that are nonsubstantive. (Died in Senate Rules Com.).

SB 2742 (Torres) Punishment.

Currently, if a judgement that a defendant pay a fine is not paid, then the courts may imprison the defendant until payment is made, but for not longer than one day per each \$30 fine. This bill would have increased the time to one day per \$50 fine. In addition, existing law permits the granting to a prisoner, a one day deduction off confinement time, for every six days served. This bill would have increased the deduction from one day to two days. (Died in Senate Judiciary.)

SB 2837 (Seymour) Criminal Procedure: Restitution.

Current law provides that when a defendant in a criminal matter is ordered to pay restitution as a condition of probation or conditional sentence, that the enforcement thereof be handled as it is in money judgements. This bill requires that the order to pay restitution is a civil judgement, and the victim's whose favor the order is entered, may request and receive a certified copy of the order from the court. (Chp 662, 1988).

SB 2868 (Presley) Peace Officers Memorial Account Fund.

Extends the effective date for one year of the Peace Officers Memorial Commission and the Memorial Account the General Fund. (Chp 1099, 1988).

SB 2869 (Keene) Prisoners: County Reimbursement.

Under existing law a county is entitled to reimbursement from the state in connection with state prisoners. This bill would have provided for the reimbursement from the state to counties for the costs of housing state prisoners in county jail. (Died in Senate Appropriations Committee).

SCA 5 (Ellis) Private Sector Employment of Inmates.

Existing law prohibits the contracting out of convict labor to any person, copartnership, company or corporation. This measure would have authorized the Legislature to provide for the use of State prisoners in privately operated industrial facilities in or adjacent to the prison. (Died in Senate Judiciary).

1987-88 SUMMARY OF PRISON
RELATED LEGISLATION
ASSEMBLY BILLS

AB 24 (Elder) Batons For Corrections Officers.

Would have required Corrections to provide side handle batons to all uniformed corrections officers having regular contact with inmates plus the necessary training in their use. Those facilities excluded include all CYA juvenile institutions except YTS, Preston and CYA facilities housing older hardcore wards; all CYA and Corrections Camps; and, all Womens institutions. These exclusions are amendments offered by CCPOA and agreed on by Corrections. (Died on Assembly Floor.)

AB 133 (Bates) Inmates release.

Would require inmates, prior to release on parole, to receive basic training in the skills needed for successful reintegration into society. In addition, the Director of CDC is to assist released inmates in securing employment and for the department to submit a report to the Legislature on options for expanding inmate pre and post release programs. (Died in Assembly Committee.)

AB 194 (Peace) Drug sentencing.

Bill authorizes a court to impose a life term, with release on parole after 17 years or court determination, on persons 18 years or older engaged in the sell or attempted sell of specified controlled substances to minors and who have previously served 2 or more prior separate prison terms for any of the same offenses. (Chp 787, 1987).

AB 434 (Polanco) Controlled Substances: Probation.

Modifies existing law. Bill specifies that the court must impose drug and substance abuse testing as a condition of probation and as directed by the probation officer, where drug related offenses involve a defendant or juvenile partaking in unlawful acts involving controlled substances. Courts may require the defendant and juvenile to pay a reasonable fee for testing not to exceed actual cost of the test. (Chp 879, 1987).

AB 522 (Vasconcellos) California Prison Overcrowding Policy Task Force.

Would have established the California Prison Overcrowding Policy Task Force, comprised of 18 representatives selected in accordance with the requirements of the bill, to make findings and recommendations with respect

to overcrowding in the State prison system. The thrust of this effort was included in SB 279. (Vetoed, 1988).

AB 608 (Zeltner) Mentally Disordered and Developmentally Disabled Offenders.

Bill specifies that persons committed to state prison or treatment centers, placed on outpatient status and who leave the State without prior written approval, are guilty of a felony. (Chp 74, 1988).

AB 629 (Stirling) County Paroled to.

Modifies existing law relating to the parole of inmates in a county. Defines "county from which he or she was committed" as the county where the crime for which the inmate was committed occurred. (Chp 283, 1987).

AB 632 (Stirling) Prisons: Prisoner Literacy Act .

Requires CDC to determine reading levels of prisoners upon commitment to an institution so as to determine cost and time estimates of department implementation of reading programs on a system-wide basis. (Chp 575, 1987).

AB 817 (Peace) Prison Appropriations Bill.

Appropriates \$33.4 million from the 1984 and 1986 Prison Construction Fund and reappropriates \$114.6 million from the 1986 Prison Construction Fund to CDC for the purpose of constructing a reception center and a prison in LA County. Bill authorizes an increase from 3,400 prison beds to 3,900 prison beds from a reception center complex (2,200) beds in LA County and deletes authorization for a Riverside County facility. (Died in Senate Committee).

AB 833 (Costa) Coalinga Prison Proposal.

Directs the Department of Corrections to conduct preliminary studies for the construction of a prison in or near the City of Coalinga. (Chp 145, 1987).

AB 871 (Floyd) Prison: Master Plan.

Would have repealed provisions relating to the Master Plan and added new provisions on that subject; would have provided that the department of General Services shall oversee the planning or construction of facilities or renovations by CDC performed pursuant to the Master Plan; and, would delete the provisions that require CDC to submit site plans and project planning guides for each facility to Joint Legislative Committee on Prison Construction and Operations. (Died in Senate Committee).

AB 911 (Costa) Authorizes Madera Womens Prison.

Authorizes a 2,000 bed women's prison to be built in Madera County; provides that environmental impact reports are authorized for prison sites in Imperial and Kern Counties; authorizes transfers of property under the control of the Department of Corrections for Chino and Avenal; authorizes various technical changes pertaining to the financing, construction and utilization of correctional facilities. (Chp 1056, 1987).

AB 926 (Condit) County reimbursement for costs of criminal trials.

Current law provides until January 1, 1988, counties with population under 300,000, may receive reimbursement from the state for 90% of the cost of homicide trials. This bill extends existing provisions from January 1, 1988 to January 1, 1989. (Chp 390, 1987).

AB 965 (Stirling) Psychological Assessment of Mentally Disordered)

Requires CDC to work in collaboration with the Department of Mental Health to obtain a psychosocial assessment of prisoners upon commitment to specified correction facilities for crimes involving force or serious bodily injury and, refer those with mental disorders for further psychiatric evaluation and treatment. (Died in Senate Appropriations Com.)

AB 1003 (N. Waters) Sentencing.

Existing law requires the judicial council to adopt rules concerning a trial court's decisions regarding sentencing determination. This bill deletes the requirement that the rules provide criteria concerning additional sentences imposed under sections 4 and 5 and requires the court include criteria in the determination to impose an increased prison term. (Chp 635, 1988).

AB 1015 (Hansen) Mental Health: County Outpatient Status.

Current law provides that a person committed to a state hospital or other treatment facility in a criminal proceeding, be placed on outpatient status in accordance with prescribed procedures. This bill will require, as a condition to obtaining outpatient status, that the community program director advise the court that the outpatient will not pose a health and safety threat to others in the community. (Chp 96, 1988).

AB 1031 (Stirling) Corporal Punishment or Injury.

Current law makes it a misdemeanor or felony to inflict cruel and inhuman punishment on a spouse or a child. Bill provides that persons convicted of a violation of the statute and who are granted probation, as a condition thereof, to undergo counseling. (Chp 415, 1987).

AB 1069 (LaFollette) Director of CYA Return of Youth Authority.

Current law provides that a peace officer may use a written order from the Director of CYA as a warrant to return any person committed to CYA and on parole or is an escapee. This bill allows persons to be returned on the basis of a written order from the Director of CYA pending proceeding before the the Youth Offender Parole Board or Board of Prison Terms. In addition, it specifies that CYA is responsible for these persons. (Chp 354, 1987).

AB 1515 (Roos) House Confinement.

Authorizes the court to imprison a person convicted of a violation of any building standard adopted by a local entity, including health, fire, building, and safety ordinances, under house confinement as a condition of probation; and, requires courts, after determining person's ability to pay, to pay the cost of having a police officer or guard monitor the area to which person is confined. (Chp 1063, 1987).

AB 1559 (Katz) "Violent Felony."

Existing law provides for the increase of prison terms specifically, where a new offense is a "violent felony" as defined by the statues. This bill includes as a violent felony any robbery perpetrated in an inhabited dwelling where the defendant personally used a deadly or a dangerous weapon. (Chp 611, 1987).

AB 1724 (Areias) Prison Terms: Enhancements.

Existing law provides for the enhancement of prison terms where an offense committed is defined as a violent felony. This bill deletes the word "other" in the existing provisions and defines a violent felony to include any felony in which a defendant inflicts great bodily harm. In addition, it includes the infliction of injury resulting in nonconsensual termination of a pregnancy and the offense of arson. (Chp 70, 1988).

AB 1728 (Areias) Prisoner: 15-day and 45-day Notice of Release.

Stipulates that law enforcement officials in the county to which a prisoner will be paroled be given 15 days' advance notice of the release; provides that law enforcement officials be given 45 days' notice when a prisoner is to be released to a county other than the county from which he or she was committed, and 15 days to provide written comment of which corrections officials may use to modify the release location decision. (Chp 1110, 1987).

AB 1835 (Stirling) Peace Officer Training.

Current law provides for CDC and CYA's Training Divisions to create standards for selection of cadets and expansion of training curriculums. This bill requires

these departments' Joint Apprenticeship Committee, in consultation with the Presley Correctional Research and Training Institute, to research, establish and monitor standards for the selection, training and advancement of correctional peace officers and to prescribe training in handling stress. (Chp 853, 1987).

AB 2142 (Tanner) Crimes.

Amends existing law. Prohibits the granting of probation as specified in the provisions, when any person, in the commission of a felony, inflicts great bodily injury or causes death of a human being by discharging a firearm from an occupied motor vehicle on a public street or highway. (Chp 1155, 1987).

AB 2316 (N. Waters) Authorizes Salaries of Ione Police Officers.

Current law authorizes CDC to construct a prison in Amador County in the vicinity of Ione and appropriates \$40,000 for specified law enforcement purposes. This bill will increase the amount of funds to \$70,000 to be used for salaries of up to 2 police officers for up to 2 years for the City of Ione. (Chp 578, 1987).

AB 2319 (Bronzan) Sentencing.

Would have stated legislative intent that if a defendant is convicted of an offense and subject to an enhancement committed in connection with the offense, the enhancement would be allowed. Bill overrules the "separate occasion rule" and authorizes court discretion to consider imposing an enhancement for each multiple offense. (Vetoed).

AB 2418 (Clute) Probation.

Requires, except in unusual cases, that a person convicted of possession, sale, transportation, importation and administration of specified controlled substances and is eligible for probation, as a condition thereof, be confined in a county jail for at least 180 days. (Chp 1244, 1988).

AB 2420 (McClintock) "Satisfactory Evidence" Rule.1987).

Modifies existing law by including within the documents, of which define "satisfactory evidence", an inmate identification card to be issued by the department of corrections if the inmate is in custody. (Chp 307, 1987).

AB 2441 (Quackenbush) Probation: Counseling for Sex Offense.

Provides that in any case in which a person is convicted of molesting any child under the age of 18 years and probation is granted, as a condition thereof, the court shall require counseling unless, counseling is inappropriate or ineffective.

AB 2454 (Friedman) Sexual Offenses.

Defines a "violent felony" to include the penetration of genital or anal openings of another person for sexual arousal or abuse by a foreign object against the victim's will and prohibits granting of probation to one who commits the aforementioned "violent felony." (Chp 89, 1988).

AB 2750 (Eastin) Crimes: Limitation on Total Subordinate Terms.

Modifies existing provisions relating to subordinate terms for consecutive offenses of which are not "violent felonies." The total term for all residential arsons may exceed 5 years but shall not exceed 10 years. In addition, bill deletes the limitation of twice the base term on total terms of imprisonment if the defendant is convicted of 2 residential arsons. (Chp 244, 1988).

AB 2760 (M. Waters) Sentencing: Violent Felony Clause.

Modifies existing provisions by including under the "violent felony" clause any offense which results in a 5-year enhanced prison sentence, where a person used a firearm in commission of a felony, and it includes in calculating the principal term, the 5-year enhanced prison term and 1/3 the middle term of enhancement(s) imposed. (Chp 1484, 1988).

AB 2816 (Chacon) Sentencing: Life Terms.

Current law states that inmates sentenced to life are not eligible for parole until they have served at least 7 calendar years. This bill provides that inmates sentenced to life are not eligible for parole until they have served the minimum period of confinement for which they were sentenced. (Chp 214, 1988).

AB 2825 (Tucker) Crimes: Limitation on Total Subordinate Terms.

Provides that when a consecutive term of imprisonment is imposed in cases involving 2 or more convictions of robbery where a "violent felony" occurred and former robberies are nonviolent (no firearm), the aggregate term should be calculated as specified, but the subordinate term for each subsequent robbery conviction shall consist of 1/3 the middle term of imprisonment and 1/3 of the enhancements imposed. (Chp 811, 1988).

AB 2912 (Speier) Sex offender: Testing.

Requires registered sex offenders, prior to discharge from a county jail or before granting probation, to provide blood and saliva samples to the institutions or designated probation officer. (Chp 291, 1988).

AB 2994 (Tucker) AIDS: Peace Officers.

Would permit peace officers an examination and testing for a 12 month period, to detect exposure to AIDS, in cases where the officer sustained an injury requiring medical treatment which was inflicted by a suspected carrier of AIDS. In addition, bill requires that basic training courses instruct in identification of health hazards associated with AIDS. (Vetoed).

AB 3009 (Floyd) Prisoners: Aids research projects.

Currently law prohibits biomedical research involving prisoners. This bill would have authorized the Department of Corrections to permit research on prisoners who test positive for the AIDS antibody, to participate in AID Vaccine Research and Development Grant Program, for the purpose of developing AIDS related drugs. (Vetoed).

AB 3393 (Longshore) Prisoners: Drug and Alcohol Testing.

Would have authorized the Department of Corrections to require prisoners to undergo a blood, urine or other chemical test to determine the presence, in the body, of alcohol or controlled substances. (Died in Assembly Committee.)

AB 3423 (Costa) Crimes: Sentencing.

Modifies existing law by requiring additional technical changes in Section 667.5 of the Penal Code (enhancements). Bill provides that whenever 2 or more sentence enhancements are imposed that the greatest enhancement shall apply and authorizes an enhancement for weapons and for great bodily injury. (Chp 1487, 1988).

AB 3424 (Costa) Prisons: Peace Officers.

Requires as an alternative to existing minimum educational standards (completion of high school diploma or equivalent) for peace officers that person attain a 2-year or 4-year degree; deletes the authorization for the Director of CDC to establish a Special Security Facility composed of male inmates; and, forbids CDC's establishment of an office in San Francisco. (Chp 610, 1987).

AB 3686 (Mojonnier) Home Detention Program.

Current law permits the participation by minimum security risk inmates in home detention programs in lieu of confinement in county jail or a correctional facility. Bill requires electronic home detention programs be established and monitoring devices utilized. In addition, it requires inmates participating in such programs give written consent agreeing to comply with rules and regulations, and authorizes the board of supervisors to set a fee to be paid by the participants. (Chp 1603, 1988).

AB 3755 (Stirling) Restitution Fines: Enforcement as Money Judgement.

Existing law provides that an order of restitution imposed as a condition of probation be enforced in the same manner as a money judgement. This bill provides that the order of restitution is enforceable if the defendant was informed of his/her right to have a judicial determination about the amount of the restitution. (Chp 566, 1988).

AB 3866 (Leslie) Correctional Institution.

Current law requires the department of Corrections give notice to a community prior to the establishment of a community correctional facility. This bill deletes the requirement and instead requires CDC to notify the County Supervisors or City Council of a potential site where the center may be located. Local agencies would then be permitted to hold hearings and make recommendations concerning the site and CDC would modify its decision accordingly. (Chp 849, 1988).

AB 3907 (Eastin) Restitution: Plea Bargaining.

Provides that a plea of guilty or no contest to any public offense charge (other than felonies) that did not result in damage for which restitution may be ordered, be dismissed; and, in cases where restitution is ordered, as a condition of plea bargaining or probation, that payment be made by the defendant. (Chp 287, 1988).

AB 3997 (Stirling) Work Release Program: Inmate Eligibility.

Current law authorizes a county work release program and permits a court to deny eligibility if the defendant is sentenced to confinement for 15 days or more. That limitation was invalidated by a court of appeals. Thus bill will eliminate that limitation on the court's authority to deny eligibility. (Chp 715, 1988).

AB 4165 (Polanco) Violation of Restraining Order.

Current law makes it a misdemeanor to willfully violate restraining orders pursuant to the Family Law Act. This bill increases the maximum imprisonment for a conviction from 6 months to 1 year (first offense). For a second or subsequent conviction occurring within 7 years, involving violence, sentence increases to 1 year in a county jail or 16 months in a state prison. (Chp 674, 1988).

AB 4200 (LaFollette) Victim Audiotaped or Videotaped Court Appearance Authorization.

Modifies existing law by authorizing, in lieu of any personal appearance, a victim to file with a court under seal, written, audiotaped or videotaped statements, prior to a court imposing a sentence. In addition, bill authorizes a representative chosen by a member of the

Suppression of Drug Abuse in School Advisory Committee,
voting privileges. (Chp 935, 1988).

AB 4208 (Roybal-Allard) Sex Offenses: Supporting Witnesses.

Existing law permits a prosecuting witness of 16 years old and younger in cases involving sex offenses to have 2 or more family members of his/her choosing during courtroom proceedings. This bill expands provisions to apply to prosecuting witnesses of any age. (Chp 1449, 1988).

AB 4265 (Hansen) Mentally Disordered Offenders: Outpatient.

Existing law requires treatment of convicted felons with severe mental disorders, as a condition of parole, be placed in an outpatient program unless determined by the program director that the parolee cannot be safely treated and thus, shall be placed in a mental health facility. 15 days thereafter, the State Mental Health Department shall conduct a hearing and determine if the parolee can resume outpatient treatment. This bill extends the 15 day requirement to within 21 days after placement and requires the community program director be furnished with a summary of the patient's criminal history for supervision and evaluation purposes. (Chp 657, 1988).

AB 4282 (Bronzan) Conditions For Release.

Modifies existing law's provisions defining "conditions for release." This bill makes it a crime for any person who fails to appear in court, subject to arrest within 20 days and requires the defendant to promise to obey conditions imposed by a court as a condition of "own recognizance" releases. (Chp 403, 1988).

AB 4284 (Bronzan) Sentencing: Sex Offenses.

Includes in the enumerated list of sex offenses, in which a full set of separate and consecutive terms may be imposed, assaults committed with the intent to commit (as specified under existing law) sex offenses. (Chp 1185, 1988).

AB 4328 (LaFollette) Legal Representation.

Currently, attorneys are prohibited from partaking in the filing, prosecution, or defense of litigation in Small Claims Court, and courts are permitted to assign counsel to persons unable to afford an attorney. This bill permits a corporation who is a party in a small claims court suit to designate an employee, an officer or director as its representative; and, authorizes the judiciary to assign counsel only in cases where the public offender and contracted for criminal defense services are unavailable. (Chp 1321, 1988).

AB 4413 (McClintock) Crimes: Check Writing.

Makes clear and conforming changes in existing law concerning theft by minors by identifying and stating parents/guardians responsibility for stolen merchandise and the reimbursement costs to merchants. Bill also authorizes the district attorney to create diversion programs for bad check writers, charge a nominal fee of \$25 for each bad check written and, as of condition of probation, requires the defendant to participate in a class on check writing at his/her expense. (Chp 1036, 1988).

AB 4464 (Connelly) Sex Offenses.

Makes it a crime for any person to commit "sex acts" (penetration of genital or anal openings) on a person (minor or third party) when the act is done against a "victim" (as specified in statues). (Chp 404, 1988).

AB 4485 (Stirling) Parole: Governor.

Would have required the Governor, during the 30 days following the granting, denial, revocation, or suspension of a persons parole by the parole authority, for reasons specified, to review the material provided by the inmate and the parole authority and to decide to reverse or modify the parole decision. (Died in Assembly).

AB 4538 (Isenberg) Intensive Parole Supervision.

Provides that a person confined to state prison who is serving a term for conviction of a violent felony is to receive, as a condition of parole, intensive supervision for a period of 1 year. In addition, bill requires the department of Corrections to submit a report to the Legislature by February 1, 1990 regarding the recidivism rate of these parolees and it specifies that funding will come from the Budget Act of 1988 and each Budget Act thereafter. (Died in Assembly).