

DEPARTMENT OF CORRECTIONS AND REHABILITATION

2005 LEGISLATIVE DIGEST



JANUARY 2006

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER
Governor

California Department of Corrections and Rehabilitation

Roderick Q. Hickman
Secretary

J.S. Woodford
Undersecretary

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Assistant Secretary
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INTRODUCTION

This Digest is comprised of bills that were chaptered or vetoed during the first half of the 2005/2006 Legislative Session and that will have, or would have had, some impact on the Department of Corrections and Rehabilitation.

The brief summaries do not purport to provide a complete description of the legislation, or go into details of the measure.

The Chaptered bills become effective January 1, 2006, unless they contain an urgency clause, in which case they became effective immediately upon the Governor's signature. Alternatively, some measures specify their effective date.

Copies of legislation referenced in this Digest, along with information such as legislative committee analyses, are available from the website of the Legislative Counsel of California at www.leginfo.ca.gov.

For additional information regarding these measures please contact the Office of Legislation.

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CHAPTERED BILLS

California Department of Corrections & Rehabilitation
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- [AB 22](#)** **AUTHOR:** Lieber
TITLE: Trafficking in persons.
STATUS: 09/21/2005-Chaptered by Secretary of State - Chapter No. 240
SUMMARY: Existing law establishes the offenses of slavery and involuntary servitude. Existing law also makes it an offense to entice an unmarried female minor for purposes of prostitution, as specified, or to aid or assist with the same, or to procure by fraudulent means, any female to have illicit carnal connection with any man. Existing law also makes it a crime to take away any minor as specified, for purposes of prostitution. This bill would establish the crime of trafficking of a person for forced labor or services or for effecting or maintaining other specified felonies, and the crime of trafficking of a minor for those purposes, punishable by terms of imprisonment in the state prison for 3, 4, or 5 years, or 4, 6, or 8 years, respectively. The bill would permit a victim of trafficking to bring a civil action for actual damages, provide for restitution and punitive damages, and would establish a victim-caseworker privilege. This bill contains other related provisions and other existing laws.
- [AB 88](#)** **AUTHOR:** Koretz
TITLE: Assault Weapons.
STATUS: 10/07/2005-Chaptered by the Secretary of State, Chapter Number 690
SUMMARY: Existing law provides penalties for violations of specified provisions involving assault weapons and .50 BMG rifles, as specified. This bill would provide that, subject to exceptions, with regard to specified prohibited conduct, there would be a separate and distinct offense for each assault weapon or .50 BMG rifle, as specified. This bill contains other related provisions and other existing laws.
- [AB 102](#)** **AUTHOR:** Cohn
TITLE: Parole: High-risk sex offenders.
STATUS: 07/18/2005-Chaptered by Secretary of State - Chapter No. 55
SUMMARY: Existing law requires the Department of Corrections to ensure that all parolees deemed to pose a high risk to the public of committing a violent sex crime are placed on an intensive and specialized parole supervision caseload. This provision is repealed as of July 1, 2006. This bill would eliminate that repeal date.
- [AB 113](#)** **AUTHOR:** Cohn
TITLE: Parole placement.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 463
SUMMARY: Under existing law, an inmate who is released on parole for certain sex offenses involving child victims or dependent persons is prohibited from residing within one-quarter mile of any public or private school, for the duration of his or her parole. This bill would prohibit, in addition, an inmate who is released on parole for those sex offenses whom the Department of Corrections and Rehabilitation determines to pose a high risk to the public from residing within one-half mile of a public or private school. This bill contains other related provisions.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- [AB 124](#)** **AUTHOR:** Dymally
TITLE: Civil service: equal opportunity programs.
STATUS: 10/07/2005-Chaptered by the Secretary of State, Chapter Number 644
SUMMARY: The State Civil Service Act requires each state agency and department to establish an effective affirmative action program with specified components, and to establish goals and timetables designed to overcome any identified underutilization of minorities and women in their respective organizations. Existing law requires the State Personnel Board to conduct specified activities in this regard. This bill would revise and recast these provisions to instead require each state agency to establish an equal opportunity program to ensure that the state policy of providing equal access to state jobs, work assignments, training, and other employment-related opportunities for all qualified job applicants and employees, based on merit and nondiscrimination in every aspect of personnel policies and employment practices, is fully implemented. It would require the State Personnel Board to conduct specified activities, including the collection of specific employment data based on race, ethnicity, gender, and disability in this regard. This bill contains other existing laws.
- [AB 182](#)** **AUTHOR:** Benoit
TITLE: Search warrants: individuals authorized to serve.
STATUS: 09/06/2005-Chaptered by Secretary of State - Chapter No. 181
SUMMARY: Existing law provides that investigators or inspectors employed in that capacity by the office of a district attorney are peace officers. Existing law also provides that a search warrant is an order, in writing, directed to a peace officer. Existing law also provides the form which a search warrant is required to follow, and provides that the warrant is to any sheriff, marshal, or police officer, but does not specifically mention peace officer. This bill would conform the provisions specifying the form of a search warrant to the provisions specifying that a search warrant is directed to a peace officer.
- [AB 205](#)** **AUTHOR:** Ruskin
TITLE: Denture identification.
STATUS: 09/06/2005-Chaptered by Secretary of State - Chapter No. 182
SUMMARY: Existing law, the Dental Practice Act, regulates the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. Under existing law, a complete upper or lower denture fabricated by a licensed dentist, or fabricated pursuant to the dentist's work order, is required to be marked with the patient's name or social security number, unless the patient objects. This bill would instead require that the dentures be marked with the patient's name unless the patient objects. The bill would also require the dentist to inform the patient that the markings are to be used for identification only and that the patient has the option whether the dentures are marked.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- [AB 217](#)** **AUTHOR:** Vargas
TITLE: Sex offenders: nursing facilities.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 466
SUMMARY: Existing law regulates the licensure and operation of health facilities, including long-term health care facilities, as defined. A violation of these provisions is a crime. Before a person who is required to register as a sex offender is released into a long-term health care facility, this bill would require the Department of Corrections and Rehabilitation, Department of Mental Health, or other official in charge of the place of confinement to notify the long-term health care facility in writing that the person is being released to reside at the facility. This bill contains other existing laws.
- [AB 220](#)** **AUTHOR:** Committee on Public Safety
TITLE: Domestic violence.
STATUS: 09/06/2005-Chaptered by Secretary of State - Chapter No. 215
SUMMARY: Existing law permits the Board of Prison Terms, at parole hearings, to consider evidence that a prisoner suffered from battered women's syndrome at the time the crime was committed. This bill would change the reference from battered women's syndrome to intimate partner battering. This bill contains other related provisions and other existing laws.
- [AB 276](#)** **AUTHOR:** Baca
TITLE: State employees: military benefits.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 287
SUMMARY: Existing law authorizes a state employee who is a member of the California National Guard or a United States military reserve organization to receive specified compensation benefits for a period not to exceed 365 days if he or she is ordered to serve on active duty on and after September 11, 2001, as a result of the War on Terrorism. Existing law authorizes the Governor to extend this benefit by executive order by up to 365 days. This bill would specify that a state employee is entitled to retain hazardous duty pay, hostile fire pay, imminent danger pay, or any other special and incentive pay from the federal government because they would not be included as military pay and allowances for the purposes of these compensation benefits.
- [AB 296](#)** **AUTHOR:** Negrete McLeod
TITLE: Hepatitis C.
STATUS: 10/05/2005-Chaptered by the Secretary of State, Chapter Number 524
SUMMARY: The existing Hepatitis C Education, Screening, and Treatment Act requires the Director of Corrections to perform various functions and duties with respect to testing and treatment of individuals in the correctional system for hepatitis C. This bill would require the Department of Corrections and Rehabilitation to make hepatitis C screening available without copayment to an inmate, make testing confidential, and make available hepatitis C information for all inmates upon intake examination or while providing general information.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- [AB 299](#)** **AUTHOR:** Maze
TITLE: Mandatory reporting.
STATUS: 07/11/2005-Chaptered by Secretary of State - Chapter No. 42
SUMMARY: Existing law requires that reports of suspected child abuse or neglect be made by mandated reporters, via telephone and written report, following specified procedures and timelines, to any police department or sheriff's department, county probation department, as specified, or the county welfare department. This bill would permit child abuse or neglect reports to be made via fax or electronic transmission.
- [AB 324](#)** **AUTHOR:** Mountjoy
TITLE: Correctional facilities: faith- and morals-based programs.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 292
SUMMARY: Existing law generally regulates the confinement and treatment of inmates in correctional facilities. Existing law provides that it is the intention of the Legislature that all prisoners confined in local detention facilities and state prisons be afforded reasonable opportunities to exercise religious freedom. This bill would make specified findings and declarations regarding the benefits of faith- and morals-based programs in jails and state prisons, and would encourage local entities and the Department of Corrections to allow certain faith- or morals-based programs, educational and rehabilitation programs, and other secular volunteer programs in their correctional facilities.
- [AB 330](#)** **AUTHOR:** Gordon
TITLE: General acute care, acute psychiatric, and special hospitals: management requirements.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 507
SUMMARY: Existing law provides for the licensure and regulation of health facilities administered by the State Department of Health Services. A violation of these provisions is a crime. This bill would expand this application requirement to apply to those seeking approval to operate, or manage, as defined, a health facility currently licensed as a general acute care hospital, acute psychiatric hospital, or special hospital that has not filed an application for a license to operate that facility. With respect to these health facilities, the bill would require the department to consider specific evidence in making determinations regarding character and ability to comply with applicable licensing and regulatory provisions and to make one additional determination with respect to a demonstration of sufficiency of financial resources. This bill contains other existing laws.
- [AB 346](#)** **AUTHOR:** Chu
TITLE: State claims.
STATUS: 09/06/2005-Chaptered by Secretary of State - Chapter No. 184
SUMMARY: This bill would appropriate \$1,082,007.08 from various funds to the Executive Officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board. The bill would require the Controller, upon the request of the board, in a form prescribed by the Controller, to transfer surcharges and fees from the Budget Act items of appropriation identified in this bill to the Budget Act of 2004, but would provide that the surcharge does not apply to approved claims to reissue expired warrants. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation

2005 Chaptered Bills

- [AB 478](#)** **AUTHOR:** Lieber
TITLE: Female inmates and wards.
STATUS: 10/06/2005-Chaptered by Secretary of State - Chapter No. 608
SUMMARY: Existing law provides that an inmate who gives birth after her receipt by the Department of Corrections and Rehabilitation may be declared eligible to participate in a community treatment program that provides for the release of the mother and child to a public or private facility in the community suitable to their needs. This bill would require any community treatment program in which such an inmate participates to include prenatal care, access to prenatal vitamins, childbirth education, and infant care. This bill would also require the department to establish minimum standards for pregnant inmates who are not eligible for the program including necessary nutrition and vitamins, information and education, and a dental cleaning. This bill contains other related provisions and other existing laws.
- [AB 496](#)** **AUTHOR:** Aghazarian
TITLE: Service of process.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 300
SUMMARY: Existing law requires every person who makes service of process in this state for compensation more than 10 times a year to register as a process server with the county clerk, with specified exceptions, including attorneys and their employees. This bill would limit the latter exceptions to persons when serving process related to cases for which the attorney is providing legal services. This bill contains other related provisions and other existing laws.
- [AB 550](#)** **AUTHOR:** Goldberg
TITLE: Correctional institutions: sexual abuse.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 303
SUMMARY: Existing law provides that an employee with a department, board, or authority under the Youth and Adult Correctional Agency or a facility under contract with a department, who, during the course of his or her employment directly provides treatment, care, control, or supervision of inmates, wards, or parolees, and who engages in sexual activity with a consenting adult who is an inmate, ward, or parolee, is punishable by a fine not exceeding \$1,000, imprisonment in a county jail for a period not exceeding 6 months, or by both that imprisonment and fine, or by a fine of not more than \$10,000, imprisonment in a county jail for a period not exceeding one year or in the state prison, or by both that fine and imprisonment. Existing law provides that a 2nd or subsequent violation of these provisions is punishable by imprisonment in the state prison and that anyone who is convicted of a felony violation of this section shall be terminated, as specified, and shall not be eligible to be hired or reinstated by a department, board, or authority within the Youth and Adult Correctional Agency. This bill, the Sexual Abuse in Detention Elimination Act, would make legislative findings and declarations to the effect that its purpose would be to protect all inmates and wards from sexual abuse while held in institutions operated by the Department of Corrections and Rehabilitation. This bill contains other related provisions.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- [AB 592](#)** **AUTHOR:** Yee
TITLE: Physicians and surgeons.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 304
SUMMARY: Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible through its Division of Licensing and Medical Quality for licensing and regulating physicians and surgeons. Under the act, disciplinary action may be taken against a physician and surgeon for engaging in unprofessional conduct, which includes gross negligence, repeated negligent acts, and incompetence. Existing law provides that a physician and surgeon is not subject to discipline for these particular aspects of unprofessional conduct solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, as defined, if specified conditions are satisfied. This bill would also provide that a physician and surgeon is not subject to discipline for these particular aspects of unprofessional conduct solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, including the treatment of persistent Lyme Disease, if those conditions are satisfied.
- [AB 627](#)** **AUTHOR:** Leslie
TITLE: Parole: religious advisers.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 306
SUMMARY: Existing law generally authorizes members of the clergy or spiritual advisers to visit inmates while in prison. Existing regulation prohibits employees of the Department of Corrections and Rehabilitation from contacting, corresponding, or otherwise communicating with an inmate or parolee, except in the execution of their assigned duties. This bill would authorize a departmental or volunteer chaplain who has ministered to or advised an inmate while incarcerated to continue to minister to or advise the inmate while he or she is on parole, as long as the chaplain so notifies the warden and the parolee's parole agent in writing.
- [AB 663](#)** **AUTHOR:** La Suer
TITLE: Offenses relating to prisons and prisoners.
STATUS: 07/18/2005-Chaptered by Secretary of State - Chapter No. 54
SUMMARY: Existing law provides that a city, county, or superior court is entitled to reimbursement for reasonable and necessary costs connected with prison or prisoners, as specified. Existing law authorizes reimbursement of, among other things, the costs of investigating and prosecuting cases related to state prisons or prisoners. This bill would authorize reimbursement of costs incurred for providing training in the investigation or prosecution associated with any matters related to state prisons or prisoners.
- [AB 800](#)** **AUTHOR:** Yee
TITLE: Medical records: patient's spoken language.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 313
SUMMARY: Existing law provides for access by a patient to his or her health records and requires that a patient's clinical laboratory test results be conveyed in plain language and in oral, written, or electronic form. This bill would require all health facilities and all primary care clinics, except long-term care facilities meeting certain criteria, to include a patient's principal spoken language on the patient's health records.

California Department of Corrections & Rehabilitation

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- [AB 998](#)** **AUTHOR:** Chu
TITLE: Reporting: sexual assaults: medical exams.
STATUS: 07/27/2005-Chaptered by Secretary of State - Chapter No. 133
SUMMARY: Existing law requires health practitioners, as defined, who provide medical services to certain persons to immediately make a report to a local law enforcement agency that contains certain personal and medical information. Those certain persons include persons suffering from an injury inflicted by a firearm, and persons suffering from an injury inflicted as the result of assaultive or abusive conduct. This bill would require health practitioners to also make a report to a local law enforcement agency upon providing medical services to persons in the custody of law enforcement from whom evidence is sought in connection with the investigation of a sexual assault crime. Because the bill would impose new duties on local agencies, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.
- [AB 999](#)** **AUTHOR:** La Malfa
TITLE: Attempted murder: custodial officers.
STATUS: 07/18/2005-Chaptered by Secretary of State - Chapter No. 52
SUMMARY: Existing law provides that an attempt to commit willful, deliberate, and premeditated murder, as defined, is punishable by imprisonment in the state prison for life with the possibility of parole. Existing law further provides that an attempted murder of a peace officer or firefighter, as defined, committed under specified circumstances, is punishable by imprisonment in the state prison for life with the possibility of parole, or by 15 years to life if it is also proven that the attempt was willful, deliberate, and premeditated. This bill would provide that the elements defining the crime of attempted murder of a police officer or firefighter, and the penalties therefor, also apply to the attempted murder of a custodial officer, as defined. This bill contains other related provisions and other existing laws.
- [AB 1235](#)** **AUTHOR:** Emmerson
TITLE: In-service training.
STATUS: 10/06/2005-Chaptered by the Secretary of State, Chapter Number 615
SUMMARY: Existing law sets forth the qualifications for becoming a certified nurse assistant for a skilled nursing facility or intermediate care facility. Existing law requires a certified nurse assistant to renew the certification every 2 years. Existing law requires a person applying for certification renewal to have completed 48 hours of in-service training in the previous 2 years. This bill would allow an applicant for certification renewal to complete 24 of the requisite 48 hours of training using an online computer training program, approved by the Licensing and Certification Division of the State Department of Health Services, which meets prescribed requirements, including, but not limited to, that the person certify completion of the course.
- [AB 1323](#)** **AUTHOR:** Vargas
TITLE: Registered sex offenders.
STATUS: 10/07/2005-Chaptered by the Secretary of State, Chapter Number 722
SUMMARY: Pursuant to existing law, information about registered sex offenders is made available by the Department of Justice via an Internet Web site. This bill would make conforming changes in provisions of law regarding notices to be included in lease or rental agreements, or contracts for sale of residential real property, and required disclosures of an operator of a community care facility that accepts a registered sex offender as a client, as specified. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation

2005 Chaptered Bills

[AB 1325](#) **AUTHOR:** Vargas

TITLE: Motor vehicle speed contest.

STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 475

SUMMARY: Under existing law, it is a misdemeanor to engage in a motor vehicle speed contest, as described, punishable by, among other things, imprisonment in a county jail for not less than 24 hours nor more than 90 days. This bill would make it a misdemeanor punishable by imprisonment in a county jail for not less than 30 days nor more than 6 months, or a specified fine, or by both that fine and imprisonment, if a person is convicted of engaging in a motor vehicle speed contest and that violation proximately causes bodily injury to a person other than the driver. Because this would create a new crime, the bill provision would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 1346](#) **AUTHOR:** Richman

TITLE: Acute care hospitals: surgical and anesthesia services.

STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 333

SUMMARY: Existing law provides for the licensure and regulation by the State Department of Health Services of health facilities, including general acute care hospitals. A violation of these provisions by a health facility is a crime. This bill would allow the general acute care hospital operated by the State Department of Developmental Services at Agnews Developmental Center to provide surgery and anesthesia services through a contract or agreement with another acute care hospital until June 30, 2007, and would allow a general acute care hospital operated by the Department of Corrections and Rehabilitation or the Department of Veterans Affairs that provides surgical and anesthesia services to provide the services on less than a 24-hour basis. It would also require any personal care services contract for surgical or anaesthesia services in a general acute care hospital operated by the Department of Corrections and Rehabilitation or the Department of Veterans Affairs, or the State Department of Developmental Services to meet specified requirements regarding when personal service contracts are permissible. This bill contains other existing laws.

[AB 1386](#) **AUTHOR:** Laird

TITLE: Dentistry: oral conscious sedation.

STATUS: 10/05/2005-Chaptered by the Secretary of State, Chapter Number 539

SUMMARY: Existing law provides for the licensing and regulation of dentists by the Dental Board of California. Existing law prohibits a dentist from administering or supervising the administration of general anesthesia, as defined, on an outpatient basis for dental patients unless the dentist has a general anesthesia permit from the Board of Dental Examiners. Existing law requires a permittee to meet specified requirements, including permitting onsite inspection and evaluation at least once every 6 years and completing 15 hours of approved courses of study related to general anesthesia as a condition of renewal. This bill would instead require an onsite inspection and evaluation at least once every 5 years, and would require a permittee to complete 24 hours of approved courses of study related to general anesthesia as a condition of renewal. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

[AB 1711](#) **AUTHOR:** Strickland

TITLE: Health facilities: immunizations.

STATUS: 07/18/2005-Chaptered by Secretary of State - Chapter No. 58

SUMMARY: Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law regulates the procedures to be performed on a patient of a health facility, including the administration of medication, upon the specific authorization in the patient medical record or a standing order prepared by authorized medical personnel. This bill would authorize a registered nurse or licensed pharmacist to administer in skilled nursing facilities influenza and pneumococcal immunizations to a patient over 50 years of age, pursuant to standing orders and without patient-specific orders, if the immunization standing orders that are not patient specific meet prescribed federal recommendations and are approved by the medical director of the facility. This bill contains other existing laws.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- SB 13** **AUTHOR:** Bowen
TITLE: Personal information.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 241
SUMMARY: The existing Information Practices Act of 1977 generally prohibits a state agency from disclosing any personal information in a manner that would link the information to the individual to whom it pertains unless the disclosure of the information is, among other things, to the University of California or a nonprofit educational institution conducting scientific research if specified confidentiality requirements are met. This bill would revise the provision authorizing a state agency to disclose personal information to those institutions by permitting that disclosure only if the request is approved by the Committee for the Protection of Human Subjects for the California Health and Human Services Agency. The bill would also establish criteria for the review and approval of the request, as specified. This bill contains other related provisions and other existing laws.
- SB 33** **AUTHOR:** Battin
TITLE: Child sexual abuse.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 477
SUMMARY: Existing law provides that it is a felony for persons within the degrees of consanguinity within which marriages are declared by law to be incestuous and void to commit fornication or adultery with one another. This bill would provide that it is a felony for persons within specified degrees of consanguinity who are 14 years of age or older to commit fornication or adultery with one another. This bill contains other related provisions and other existing laws.
- SB 77** **AUTHOR:** Committee on Budget and Fiscal Review
TITLE: 2005-06 Budget.
STATUS: 07/11/2005-Chaptered by Secretary of State - Chapter No. 38
SUMMARY: This bill would make appropriations for support of state government for the 2005-06 fiscal year. This bill contains other related provisions.
- SB 78** **AUTHOR:** Committee on Budget and Fiscal Review
TITLE: Budget Act of 2004: contingencies and emergencies.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 246
SUMMARY: The Budget Act of 2004 appropriated specified amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written notification from the Director of Finance. The Budget Act of 2004 also appropriated specified amounts for loans to state agencies for contingencies or emergencies. This bill would appropriate \$89,426,000, as scheduled, in augmentation of these Budget Act appropriations. The bill would provide that certain of these funds will revert to the General Fund if unencumbered as of the effective date of this act. This bill contains other related provisions.

California Department of Corrections & Rehabilitation
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- SB 91** **AUTHOR:** Committee on Budget and Fiscal Review
TITLE: Budget Act of 2004: contingencies and emergencies.
STATUS: 07/19/2005-Chaptered by Secretary of State - Chapter No. 79
SUMMARY: The Budget Act of 2004 appropriated specified amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written notification from the Director of Finance. The Budget Act of 2004 also appropriated specified amounts for loans to state agencies for contingencies or emergencies. This bill would appropriate \$261,046,000 as scheduled, in augmentation of these Budget Act appropriations. This bill contains other related provisions.
- SB 101** **AUTHOR:** Battin
TITLE: Employee compensation.
STATUS: 07/21/2005-Chaptered by Secretary of State - Chapter No. 103
SUMMARY: Existing law requires an employer to furnish each employee with an accurate itemized statement showing, among other things, the name of the employee and his or her social security number, except that, by January 1, 2008, existing law requires the employer to include no more than the last 4 digits of the employee's social security number or an existing employee identification number other than a social security number on any check provided to an employee. Existing law provides that a knowing and intentional violation of this provision is a misdemeanor. This bill would clarify existing law to require that an employer, by January 1, 2008, include on the itemized statement provided to an employee the last 4 digits of the employee's social security number or an employee identification number other than a social security number. By imposing new duties on employers, the violation of which is a misdemeanor, this bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.
- SB 111** **AUTHOR:** Alquist
TITLE: Statute of limitations: sex crimes.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 479
SUMMARY: Existing law requires that prosecution for certain felony sex offenses commence within 10 years after commission of the offense. This bill would instead state that prosecution for certain felony sex offenses that are alleged to have been committed when the victim was under the age of 18 years may be commenced any time prior to the victim's 28th birthday. This bill contains other related provisions and other existing laws.
- SB 115** **AUTHOR:** Florez
TITLE: California Disabled Veteran Business Enterprise Program.
STATUS: 10/03/2005-Chaptered by Secretary of State - Chapter 451
SUMMARY: Under existing law, state agencies and all other state entities contracting for materials, supplies, equipment, alteration, repair, or improvement are required to have at least 3% participation goals for disabled veteran business enterprises. Existing law requires the Department of Veterans Affairs and the awarding departments to appoint a Disabled Veteran Business Enterprise Program Advocate to assist in meeting the participation goals. This bill would specify that the Department of General Services is the administering agency of the California Disabled Veteran Business Enterprise Program, except in the case of contracts for professional bond services, would specify the duties of the Department of General Services in meeting that requirement, and would set standards for meeting the program's participation goals. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- [SB 231](#)** **AUTHOR:** Figueroa
TITLE: Healing arts: Medical Board of California.
STATUS: 10/07/2005-Chaptered by the Secretary of State, Chapter Number 674
SUMMARY: Existing law provides for the licensure and regulation of various healing arts practitioners by professional boards within the Department of Consumer Affairs. Existing law requires that specified settlements and any arbitration awards of malpractice claims or in malpractice actions against a licensee be reported to the appropriate licensing board by the licensee or claimant, or their counsel. Under existing law, a failure to comply with this requirement is a crime punishable by specified fines. This bill would also require any judgment in a malpractice action against a licensee to be reported to the appropriate licensing board by the licensee or the claimant, or their counsel, and would make a failure to comply with this requirement a crime. Because the bill would create a new crime, it would impose a state-mandated local program. The bill would require, to the extent funding is available, the Little Hoover Commission to study the laws requiring public disclosure with regard to the public protection mandate of the Medical Board of California, and complete the study by July 1, 2008. This bill contains other related provisions and other existing laws.
- [SB 245](#)** **AUTHOR:** Battin
TITLE: Department of General Services: use of state property.
STATUS: 07/21/2005-Chaptered by Secretary of State - Chapter No. 107
SUMMARY: Existing law generally sets forth the duties and authority of the Department of General Services in acquiring, assigning, and maintaining state property on behalf of state agencies. This bill would provide that final determination of the use of existing state-owned or state-leased facilities that are currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services. It would provide that the request of an agency that is required to be made to and approved by the department to acquire new facilities through lease, purchase, or construction shall first consider the utilization of existing state-owned, state-leased, or state-controlled facilities before considering the leasing of additional facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned facilities vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.
- [SB 279](#)** **AUTHOR:** Cedillo
TITLE: Physicians and surgeons: locum tenens services.
STATUS: 10/06/2005-Chaptered by the Secretary of State, Chapter Number 596
SUMMARY: Existing law, the Medical Practice Act, provides for the licensing and regulation of physicians and surgeons by the Medical Board of California. This bill would prohibit a locum tenens agency, defined as an agency that arranges for licensees to perform locum tenens services and meets other requirements, from employing a licensee to perform temporary professional medical services or from interfering with, or attempting to influence the clinical judgment of, such a licensee. The bill would provide a rebuttable presumption that the relationship between a licensee providing locum tenens services and a client or customer of the locum tenens agency shall be one of an independent contractor.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- SB 383** **AUTHOR:** Maldonado
TITLE: State Department of Mental Health: sexually violent predators.
STATUS: 08/29/2005-Chaptered by Secretary of State - Chapter No. 137
SUMMARY: Existing law requires the Director of Corrections, prior to the release of a person from custody resulting from conviction for certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. The law authorizes civil commitment, as a sexually violent predator, to the custody of the State Department of Mental Health for treatment of the person's diagnosed mental disorder if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged. This bill would authorize the State Department of Mental Health to enter into an interagency agreement or contract with the Department of Corrections or with local law enforcement agencies for services related to supervision or monitoring of sexually violent predators who have been conditionally released into the community under the forensic conditional release program. This bill contains other existing laws.
- SB 444** **AUTHOR:** Ackerman
TITLE: Crime.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 482
SUMMARY: Existing law, as amended by initiative, provides that any person who participates in any criminal street gang with knowledge that its members engage in a pattern of criminal gang activity and who promotes felonious criminal conduct shall be punished, as specified. Existing law defines a pattern of criminal gang activity as the commission, attempt to commit, conspiracy to commit, solicitation for, or conviction of two or more listed offenses, as specified. Existing law authorizes the Legislature to amend these provisions with a 2/3 vote of each house. This bill would add various crimes relating to identity theft, and the manufacture and sale of false identification and access cards to those offenses which if committed by members of the criminal street gang establish a pattern of criminal gang activity for purposes of these provisions, however, such a pattern would not be established by commission of one or more of these offenses alone, in addition, an offense already listed in existing law would also have to have been committed. This bill contains other related provisions and other existing laws.
- SB 447** **AUTHOR:** Poochigian
TITLE: Youth Authority.
STATUS: 07/21/2005-Chaptered by Secretary of State - Chapter No. 110
SUMMARY: Existing law requires the Director of the Youth Authority to request the prosecuting attorney to petition the committing court for an order seeking the extended detention of certain persons who would otherwise be discharged from the Youth Authority if the Department of the Youth Authority determines that those persons would be physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality. This bill would limit the application of those sections to persons who are physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality which causes them to have serious difficulty controlling their dangerous behavior. This bill contains other related provisions.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- SB 460** **AUTHOR:** Margett
TITLE: Offender access to personal information.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 259
SUMMARY: Existing law prohibits offenders who are confined in county facilities, or the Department of Corrections and Rehabilitation for specified offenses, from performing work that would give them access to the personal information of private persons, as specified. This bill would preclude any offender confined in a county facility, or the Department of Corrections and Rehabilitation from gaining access to personal information, as specified. This bill contains other related provisions and other existing laws.
- SB 570** **AUTHOR:** Migden
TITLE: Mentally incompetent minors.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 265
SUMMARY: Existing law requires the Judicial Council to perform various duties designed to assist the judiciary. This bill would require the Judicial Council, to the extent resources are available, to provide education on mental health and developmental disability issues affecting juveniles in delinquency proceedings to judicial officers and other public officers and entities, as specified. This bill contains other related provisions and other existing laws.
- SB 618** **AUTHOR:** Speier
TITLE: Sentencing: programs.
STATUS: 10/06/2005-Chaptered by the Secretary of State, Chapter Number 603
SUMMARY: Under existing law, the Legislature finds and declares that programs should be available for inmates, including educational programs that are designed to prepare nonviolent felony offenders for successful reintegration into the community. Under existing law, the Legislature encourages the development of policies and programs designed to educate and rehabilitate nonviolent felony offenders. This bill would authorize a county to develop a multiagency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community, and would require that plan be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency, and the public defender, or their designees, for submission to the board of supervisors for its approval. The bill would further authorize the Department of Corrections and Rehabilitation to enter into an agreement with up to 3 counties to implement the above provisions and to provide funding for the purpose of the probation department carrying out its assessments, and would make specified findings and declarations in that regard.
- SB 619** **AUTHOR:** Speier
TITLE: Electronic monitoring of offenders.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 484
SUMMARY: Existing law authorizes probation as an alternative to incarceration for various offenses. This bill would authorize county probation departments to use global positioning system technology to supervise persons on probation, as specified. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

- [SB 647](#)** **AUTHOR:** Margett
TITLE: Parole revocation.
STATUS: 07/21/2005-Chaptered by Secretary of State - Chapter No. 99
SUMMARY: Existing law provides that a parolee or his or her attorney may, in parole revocation proceedings, receive copies of any police, arrest, crime report, or child abuse report, as specified, that pertain to the proceeding. Confidential portions need not be disclosed if the parolee or his or her attorney has been notified of the omission. This bill would extend these disclosure provisions to parole revocation extension proceedings, and would make criminal history information available as well. This bill contains other related provisions and other existing laws.
- [SB 719](#)** **AUTHOR:** Romero
TITLE: Police pursuits.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 485
SUMMARY: Existing law provides for compensation to crime victims, as specified, from the Restitution Fund, a continuously appropriated fund. This bill would include as qualifying as a crime victim for those purposes, injury or death caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer. This bill contains other related provisions and other existing laws.
- [SB 723](#)** **AUTHOR:** Denham
TITLE: Sexually violent predators: conditional release program.
STATUS: 10/04/2005-Chaptered by the Secretary of State, Chapter Number 486
SUMMARY: Existing law requires the Director of Corrections, prior to the release of a person from custody who has been convicted for certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. Existing law authorizes civil commitment, as a sexually violent predator, to the custody of the State Department of Mental Health for treatment of the person's diagnosed mental disorder if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged. This bill would, notwithstanding any provision of law, prohibit sexually violent predators released under the conditional release program from being placed within 1/4 mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if the person has been convicted of certain offenses or the court finds that the person has a history of improper sexual conduct with children. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

[SB 737](#)

AUTHOR: Romero

TITLE: Corrections.

STATUS: 05/10/2005-Chaptered by Secretary of State - Chapter No. 10

SUMMARY: Existing law establishes the Youth and Adult Correctional Agency, which consists of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority. This bill would abolish those departments and boards, and instead create the Department of Corrections and Rehabilitation, which would consist of the Division of Adult Operations, the Division of Adult Programs, the Division of Juvenile Justice, the Corrections Standards Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board. The department would be headed by the Secretary of the Department of Corrections and Rehabilitation, who would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The bill would authorize the Governor to appoint, an undersecretary, and would require the Governor to appoint 3 chief deputy secretaries, and an assistant secretary for health care policy, all subject to Senate confirmation. It would also authorize the Governor to appoint assistant secretaries for victim and survivor rights and services and for correctional safety. This bill contains other related provisions and other existing laws.

[SB 796](#)

AUTHOR: Figueroa

TITLE: State government operations: accountability.

STATUS: 10/07/2005-Chaptered by the Secretary of State, Chapter Number 686

SUMMARY: Existing law generally sets forth the duties and responsibilities of the head of any state agency, department, board, commission, bureau, or program. This bill would enact the Government Modernization, Efficiency, Accountability, and Transparency Act of 2005, which, among other things, would require, until January 1, 2012, every state agency that issues permits or licenses or accepts applications, proposals, bids, or similar requests, to post on a Web site, no later than January 1, 2007, "customer service" links that contain, among other things, specified information for frequently asked questions, forms and applications, and instructions for filing complaints in electronic format via the Internet. This bill contains other related provisions.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

[SB 828](#) **AUTHOR:** Maldonado
TITLE: Public contracts.
STATUS: 09/29/2005-Chaptered by the Secretary of State, Chapter Number 381
SUMMARY: Existing law imposes various requirements and prohibitions on parties that provide goods to the state under a contract. Among these requirements is a requirement that the contractor certify that it will provide a drug-free workplace, that it has not provided goods under the contract that were produced under specified prohibited labor conditions, and that, in the case of contracts for the sale or lease of covered electronic devices or cell phones, the contractor has complied with specified provisions of law. Existing law also requires, in the case of specified contracts, that the contractor provide a sworn declaration that it is not in violation of an order from the National Labor Relations Board. Existing law further requires each party, and its affiliates, that are offered a contract to do business with the state to provide a seller's permit or certificate of registration that was issued under the State Sales and Use Tax Law, as specified. Existing law also prohibits the state from contracting with an expatriate corporation, as defined. Existing law also requires every state contract and subcontract to contain a nondiscrimination clause, as provided, and further requires contractors and subcontractors to give written notice of their obligations under the clause to labor organizations, as specified. This bill would specify that these requirements and prohibitions do not apply to a credit card purchase of goods of \$2,500 or less, as specified. This bill contains other related provisions and other existing laws.

[SB 837](#) **AUTHOR:** Dutton
TITLE: Alternative Protest Pilot Project.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 272
SUMMARY: Existing law provides for a pilot project for alternative protest procedures in connection with state agency acquisition of goods and services, including the acquisition of information technology goods and services, and requires the Department of General Services to administer the project until January 1, 2007, or until the pilot project has been applied to at least 25 contracts, including at least 5 information technology contracts, whichever occurs later. This bill would delete the minimum contract attainment provisions, and would extend the repeal date until December 31, 2011, as specified. The bill would rename the project as the Alternative Protest Process. This bill contains other related provisions and other existing laws.

California Department of Corrections & Rehabilitation
2005 Chaptered Bills

[SB 954](#) **AUTHOR:** Figueroa
TITLE: Information technology goods and services: procurement.
STATUS: 10/05/2005-Chaptered by the Secretary of State, Chapter Number 556
SUMMARY: Existing law sets forth the requirements for the acquisition of information technology goods and services by the state, and requires all contracts for the acquisition of those goods and services to be made by or under the supervision of the Department of General Services, with expenditures in this regard subject to the review and approval of the Department of Finance. This bill makes certain findings regarding the manner in which state agencies procure information technology goods and services. This bill would require the Department of General Services, on or before January 1, 2007, to develop policies and guidelines for the procurement of information technology goods and services, including identifying and documenting information for requests for proposals, publishing policies regarding obtaining bids for and acquiring information technology, establishing a centralized entity responsible for information technology procurement methods within the Department of General Services, developing uniform standards, with at least 2 public hearings, for information technology procurement, and communicating rules and requirements to vendors and the general public. This bill contains other related provisions.

[SB 972](#) **AUTHOR:** Poochigian
TITLE: Crime victims: restitution.
STATUS: 09/21/2005-Chaptered by Secretary of State - Chapter No. 238
SUMMARY: Existing law requires a court to impose a restitution fine and order upon a person who is convicted of a crime. This bill would authorize a court to specify that funds confiscated at the time of arrest may be applied to the restitution fine or order, if the funds are not otherwise exempt from confiscation. This bill contains other related provisions and other existing laws.

[SB 1107](#) **AUTHOR:** Committee on Public Safety
TITLE: Public safety: omnibus bill.
STATUS: 09/22/2005-Chaptered by Secretary of State - Chapter No. 279
SUMMARY: Existing law generally regulates public safety. This bill would make various technical, nonsubstantive changes to provisions related to, among other things, domestic violence, summary criminal history information, and child abuse reporting. This bill contains other related provisions and other existing laws.

VETOED BILLS

California Department of Corrections & Rehabilitation

2005 Vetoed Bills

AB 47 **AUTHOR:** Cohn
TITLE: Public contracts: Department of Corrections and Rehabilitation: medical care services.
STATUS: 09/22/2005-Vetoed by the Governor
SUMMARY: Existing law authorizes state agencies to enter into personal services contracts if certain conditions are met. This bill, until January 1, 2009, would authorize state agencies to enter into specified contracts for medical services without seeking competitive bids and would otherwise generally prohibit, except under specified circumstances, the Department of General Services from authorizing the Department of Corrections and Rehabilitation to enter into contracts for medical care services without seeking competitive bids for those contracts.
GOVERNOR'S MESSAGE: I am returning Assembly Bill 47 without my signature. It is unnecessary to codify the policy directive contained in the Department of General Services (DGS) Management Memo 05-04 since the Department of Corrections and Rehabilitation (DCR) is already using a competitive bidding process for medical contracts where appropriate. This bill will impede the necessary flexibility to administer the critical medical services provided by DCR. DGS policy has eliminated the blanket policy exemption and established new requirements regarding medical services contract bidding exemptions for all state departments. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 54 **AUTHOR:** Negrete McLeod
TITLE: Surplus state property.
STATUS: 10/07/2005-Vetoed by Governor
SUMMARY: Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. This bill would authorize the Director of General Services and the Director of Transportation to sell, exchange, or lease specified parcels of state property for fair market value and would also authorize the Department of General Services to transfer some of these specified parcels. The bill would require the Director of General Services or the Director of Transportation, as applicable, if property is disposed of by a means other than being sold, exchanged, or leased for fair market value, to report specified information to the chairs of the legislative fiscal committees 30 days prior to completing a transaction regarding these parcels. This bill contains other related provisions.
GOVERNOR'S MESSAGE: I am returning Assembly Bill 54 without my signature. I am greatly concerned with the provisions that were amended into this measure, without the benefit of a public hearing, requiring the Department of General Services (DGS) to initiate a California Environmental Quality Act (CEQA) process on the properties identified prior to any sale, lease or exchange. This provision has the potential of costing California taxpayers millions of dollars. Applying the CEQA process to these surplus properties prior to sale may result in unnecessary litigation, prolonged escrow periods and missed opportunities for the State to reduce its financial obligations under the voter approved Proposition 60A. Historically, surplus properties have generally been exempted from the CEQA process since the developer must provide for CEQA when the property is eventually developed. Therefore, I am asking DGS to work with the Legislature to correct this unfortunate amendment and pass legislation to exempt the State and these properties from the CEQA process. Until that time, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation

2005 Vetoed Bills

[AB 76](#)

AUTHOR: Frommer

TITLE: Office of Pharmaceutical Purchasing.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law authorizes the Department of General Services to enter into contracts on a bid or negotiated basis with manufacturers and suppliers of single-source or multisource drugs, and authorizes the department to obtain from them discounts, rebates, or refunds as permissible under federal law. Existing law requires 4 state agencies to participate in the program and authorizes other state, local, and public agency governmental entities to elect to participate in the program. Existing law grants the Department of General Services authority with respect to contracting with a pharmaceutical benefits manager or other entity and exploring additional strategies for managing drug costs. This bill would repeal these provisions. The bill would instead establish within the California Health and Human Services Agency the Office of Pharmaceutical Purchasing with authority and duties to purchase prescription drugs for state agencies similar to that granted to the Department of General Services under the above-described provisions. The bill would, however, revise the state entities required to participate in the program, would add to those entities that may elect to participate in the purchasing program, and would authorize the office to conduct specified activities in order to negotiate the lowest prices possible for prescription drugs.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 76 without my signature. AB 76 would create the Office of Pharmaceutical Purchasing (OPP) within the California Health and Human Services Agency. This bill takes a process currently performed by the Department of General Services (DGS), which has the general charge of purchasing goods and services for State agencies, and moves it to a newly created program, the OPP, in the Health and Human Services Agency, which does not currently have any purchasing functions, capacity or resources. As the Legislative Analysts Office (LAO) concluded in a recent report (Lowering the States Costs for Prescription Drugs, February 2005), the creation of a new state drug purchasing office could be costly, create organizational difficulties, and provide little strategic advantage to the State over the current arrangement in which procurement duties are already largely concentrated. Many of the concepts in this legislation are a part of DGS' strategic purchasing initiatives and can be accomplished administratively without creating a costly and inefficient new bureaucracy. Accordingly, I am directing the Department of General Services to investigate and implement options and strategies to achieve the greatest savings possible on prescription drugs and undertake the following activities to the extent they are feasible and would help control prescription drug costs: Identify opportunities for DGS, University of California, and California Public Employees Retirement System to coordinate procurement information, consolidate drug procurement or engage in other joint activities that will result in cost savings. Pursue opportunities for the State and other eligible entities to achieve savings through the appropriate use of generic drugs and through the federal 340B program. These activities, in combination with the efforts DGS has already undertaken, will help control the states rising prescription drug costs without creating a costly and unnecessary new bureaucratic entity. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation

2005 Vetoed Bills

[AB 195](#) **AUTHOR:** Dymally

TITLE: Civil service: employment discrimination.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: The State Civil Service Act prohibits discrimination in public employment on the same bases as in the Fair Employment and Housing Act. Those bases are race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. This bill would, additionally, authorize the board to award reasonable attorney's fees and costs to the employee. This bill contains other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 195 without my signature. This bill incorrectly presumes there is an unequal status between the parties in terms of expertise and resources in bringing actions before the State Personnel Board. This is simply not true since a significant majority of state employees who file appeals with the State Personnel Board are represented by their union or excluded employee organization. The bill shifts a major burden of litigation onto the State because it only allows for recovery by successful Plaintiffs and does not allow the State to recover its costs and attorneys fees in the event the complaint is determined to be without merit. The bill is duplicative because federal law and state law, under FEHA, already allow for the awarding of attorneys fees and costs in discrimination actions. Sincerely, Arnold Schwarzenegger

[AB 239](#) **AUTHOR:** Horton, Jerome

TITLE: Governor's Budget: services contracts.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law requires the Governor to annually issue a report to the public on the expenditures for support of his or her office, and to submit a budget to the Legislature within the first 10 days of each regular session that includes, among other things, a complete plan and itemized statement of all proposed expenditures of the state and of all estimated revenues. This bill would require the Governor to submit with the budget a report that contains specified information regarding current and proposed contracts for services.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 239 without my signature. This bill would require the Governor to submit with the Budget a report that contains specific information regarding current and proposed contracts for services. The State already has an electronic reporting system that tracks the purchase of goods, services and information on contracts over \$5,000. This system became effective on July 1, 2003, and all State agencies are required to enter information on their existing contracts. The bill would require that the information also be reported on proposed contracts it is questionable how that could ever be captured, and since there is no monetary limit on the size of contract to be reported under this scenario, a purchase of \$100 would have to be reported. Furthermore, this bill does not include any funding to create a new system or expand upon the States existing reporting system. For these reasons I am unable to support this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

AB 240 **AUTHOR:** Bermudez

TITLE: Sex offenders.

STATUS: 10/04/2005-Vetoed by the Governor

SUMMARY: Existing law prohibits persons placed on parole for convictions of certain sex offenses with minors from residing within 1/4 mile of any public or private school with one or more grades of kindergarten through 8th grade. This bill would, effective July 1, 2006, in addition to the above prohibition, prohibit a parolee convicted of one of these offenses involving a victim of 14 or 15 years of age from residing within 1/4 mile of any public or private school containing grades 9 through 12. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 240 without my signature. This bill fails to address the critical components needed to ensure sex offenders do not have access to state funded erectile dysfunction medication. Instead, I am signing AB 522 which contains the statutory language which ensures the Department of Justice must provide the Department of Health Services the information necessary to implement the prohibition. AB 240 also fails to expand the ban to automated drug delivery systems in pharmacies, thereby creating a loophole that could result in prohibited sex offenders receiving the medication. AB 522 contains language to ensure no loopholes exist. In addition, AB 240 does not broadly protect California's children to the level that they deserve but instead simply puts a band-aid on a growing problem. I call on the Legislature to quickly send my sponsored bills AB 231 and SB 588 which will do more to protect children than placing limited restrictions on one small segment of the parolee population. We should enact provisions that will allow for residency restrictions for all sex offenders, not just the 254 parolees that this bill potentially affects. My bill would place more stringent restrictions on 9,231 parolees and monitor them on GPS. If the Legislature is serious about protecting children from sex offenders, I call on them to send me AB 231 and SB 588, the most comprehensive reform of our sex offender statutes. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation

2005 Vetoed Bills

AB 313 **AUTHOR:** Ruskin

TITLE: Department of Corrections: notice: parole offices.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law requires the Director of Corrections, Director of the Youth Authority, or Director of General Services to notify, in writing, certain state and local officials of any proposed contract to construct, expand, or enter into a lease for, a building in that official's jurisdiction. This bill would require that written notice to be accompanied by a response form, to be returned by each local official, if the proposed building is a parole office. The local official would be required to return the form with his or her acceptance or objection to the proposed building, within 45 days. The bill would prohibit the applicable department from entering into a contract for constructing, expanding, or leasing a parole office before all response forms are returned, except as specified, and before holding a public hearing on any objections raised. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 313 without my signature. This bill is unnecessary as local officials and the public already receive notices regarding proposed parole office locations and has opportunities to express any concerns or objections to the State. Parole office locations must already be consistent with and approved by local government land use authorities. Providing an additional layer of bureaucracy does not facilitate local and state planning needs. For this reason I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

[AB 524](#) AUTHOR: Chan

TITLE: Public contracts: offshore jobs.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: Existing law authorizes the Department of General Services, or any other department with authority as specified, to enter into contracts for services, as specified. This bill would require the department, until January 1, 2009, when any portion of a public contract for services will be performed by subcontractors or employees outside of the United States, to require from all successful bidders the completion of a standard form of questionnaire including a complete description of any or all portions of the contract that will be performed by subcontractors or employees outside of the United States and the percentage of the entire contract that the work to be performed outside of the United States represents.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 524 without my signature. This bill would require all successful bidders on State services contracts to complete a questionnaire and report on the portions of the contract that would be performed by subcontractors or employees outside of the United States. Mandating additional reporting requirements on successful bidders of State services contracts provides marginal value to the State, especially since there is no verification requirement for the information that would be provided. This measure simply creates additional bureaucratic processes for the Department of General Services and service contractors. Placing additional requirements on contractors may result in fewer bidders in the future, leading to potentially higher costs of service contracts to the State. Therefore, it is unclear what public benefit is served by this measure. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

[AB 561](#) AUTHOR: Montanez

TITLE: Prison education.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law requires the Department of Corrections to implement statewide literacy programs in every prison. The Director of Corrections is required to appoint a Superintendent of Correctional Education to administer the prison educational programs. This bill would require the department to perform initial and subsequently annual educational assessments on each inmate, as specified. This bill would specify the courses of instruction to be included in the statewide educational programs. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 561 without my signature. This bill will place several mandates on the California Department of Corrections and Rehabilitation and is ultimately unnecessary. To the extent this bill codifies existing policy and practice, it is unnecessary. To the extent the bill mandates very specific provisions it removes management flexibility to respond to the changing needs of our institutions and fiscal limitations. I appreciate and share the author's interest in improving correctional education programs within the California Department of Corrections and Rehabilitation, which is one of the reasons why I reorganized the Department effective July 1, 2005. This reorganization includes the development of the Division of Education, Vocations, and Offender Programs within Adult Programs and their mission includes many of the same goals articulated in this bill. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

[AB 632](#) AUTHOR: Chu

TITLE: Sex Offender Management Board.

STATUS: 10/04/2005-Vetoed by the Governor

SUMMARY: Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified. This bill would state legislative findings and declarations with respect to the size of, and the need to prevent recidivism within, the registered sex offender population in California. This bill would also state legislative intent to establish a board responsible for overseeing the management of sex offenders and providing expert information in various capacities, which it may task with investigating specified issues and making recommendations, as specified. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 632 without my signature. This bill fails to protect children and women from sexual predators. Rather than putting the focus on protecting kids and others from sexual offenders, AB 632 simply grows government. Under this bill not one sexual offender will spend one day longer in prison, not one sexual offender will be prohibited from living near schools, not one sexual offender will be monitored by GPS, not one sexual offender will incur more time on parole, not one parent will be given information to keep their children safe, not one more peace officer will be given resources or tools to protect our communities. I have opposed measures to weaken Three-Strikes and supported measures to increase the amount of resources and tools available for law enforcement. Just this year I have signed several bills that will protect our children. These bills will result in a safer California by prohibiting sex offenders from living near schools and closing loopholes in our sentencing laws that allow some child abusers escape from punishment. However, there is much more that can be done to protect our communities from sexual predators. All of these things can be done and should be done. The best way to protect our communities is for the Legislature to pass my comprehensive sex offender punishment and control reform contained in bills AB 231 and SB 588. Until we take real action, the creation of just another government board may make some feel better but will not result in protecting our neighborhoods. This bill is a recipe to create more red-tape, not public safety. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

[AB 643](#) **AUTHOR:** Negrete McLeod

TITLE: State excluded employees: meet and confer.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: Existing law, the Bill of Rights for State Excluded Employees, requires the state to meet and confer upon request with verified supervisory organizations representing supervisory employees on matters within the scope of representation, and requires a state employer to provide notice to, and meet and confer with, a verified supervisory employee organization prior to arriving at a determination of policy or course of action directly impacting supervisory employees, or when, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation has been adopted without prior notice or meeting. This bill would additionally require that, if the state employer determines that it is necessary to make any other change in an area with respect to which it previously met and conferred with a verified supervisory organization, the state employer shall notify the verified supervisory organization 30 days prior to implementation of the proposed change, and meet and confer with the verified supervisory organization at the earliest practical time following the notification.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 643 without my signature. This bill would seriously impede the ability of the State, as an employer, to effect necessary policy changes. The purpose of the supervisory meet and confer process is to allow supervisory employee organizations to present ideas and to discuss alternative means of achieving the employers objectives. The final determination of policy and decision as to the course of action is explicitly and expressly vested with the employer. By requiring 30 days notice if the State needs to make changes to policy discussed in a previous meet and confer, this bill would erode the states authority and its ability to make needed policy changes on a timely basis. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

AB 698

AUTHOR: Haynes

TITLE: Corrections: media access.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates. This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would forbid retaliation against an inmate for participating in a visit by or communicating with a representative of the news media.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 698 without my signature. I vetoed a bill last year, SB 1164, which would essentially accomplish the same purpose as this bill. I believe that open access by the press is an important component of ensuring efficiency and effectiveness of government programs. However, this bill is unnecessary because the media currently enjoys wide ranging access to both prisons and inmates, including the right to interview random inmates during tours and specific inmates during the visitation program. The California Department of Corrections and Rehabilitations current policy is modeled after policies that have been upheld by the U.S. Supreme Court. The policy strikes the important balance between media access and the appropriate correctional decisions that must take into account the orderly administration of prisons. Finally, it is important to avoid treating inmates as celebrities. Activities that would glamorize criminals at the expense of victims and the general public are unacceptable. A free flow of information from the prison environment into the outside world has taken place under the current policy as evidenced by the many published press accounts in the past year. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

AB 862

AUTHOR: Bass

TITLE: Inmates: parental rights and responsibilities.

STATUS: 10/06/2005-Vetoed by Governor

SUMMARY: Under existing law, the Department of Corrections and Rehabilitation has responsibility for the care and custody of inmates under its jurisdiction. This bill, entitled the Sheran Rallanson Act, would require every inmate who is remanded to the custody of the Department of Corrections and Rehabilitation who is a parent of a minor child to receive, upon reception, information about child support, how to modify child support orders, and other materials developed by the Department of Child Support Services.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 862 without my signature This bill is unnecessary as current law provides for local and state agencies to distribute information to incarcerated parents regarding their child support obligations. In fact, there are current pilot programs operating with federal funds to accomplish what this bill would mandate state resources be spent on. At the state level we should be looking for ways to improve child support collection so more funds get to the children, not investing in ways to alleviate the future financial burdens due to incarceration. For this reason I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation

2005 Vetoed Bills

[AB 1066](#) **AUTHOR:** Horton, Jerome

TITLE: Public services contracts.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: Existing law authorizes state agencies to use personal services contracts if, among other things, the agency clearly demonstrates that the proposed contract will result in actual overall cost savings to the state, provided that specified conditions are met. Existing law also requires any state agency that proposes to execute certain types of personal services contracts to notify the State Personnel Board of the proposed contract, and requires the board, upon receipt of this notice, to contact all organizations that represent state employees who perform the type of work to be contracted, as provided. This bill would add the condition that a state agency may not submit a proposed contract for review if that state agency, in the preceding 12-month period, submitted a contract for the same services to be performed by the same contractor for which the State Personnel Board made a determination that the contract did not satisfy the specified conditions for a personal services contract. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning AB 1066 without my signature. This bill places unnecessary limitations on the use of personal service contracts as current law provides sufficient restrictions and oversight. Current law already requires the State Personnel Board to notify employee organizations of personal service contracts that may affect their agency, making a new requirement that the awarding agency provide identical notification redundant. In addition, providing one particular bargaining unit with unique notice requirements adds unwarranted confusion to the process for state contracting. This bill also prohibits an agency from submitting a contract if in the preceding 12 months, it has attempted to contract with the same company for the same services and the State Personnel Board found that it did not comply with the conditions for a contract. This condition limits an agency's pool of contractors and inhibits contractors from doing business with the State, particularly if a rejected contractor addresses the Boards concerns, becomes compliant with the conditions for a contract, but cannot be considered for 12 months. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

[AB 1184](#) **AUTHOR:** Koretz

TITLE: Nurses and certified nurse assistants: overtime.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: Existing law establishes the workweek of state employees at 40 hours, and the workday at 8 hours, and further provides that it is the policy of the state to avoid the necessity for overtime work by state employees whenever possible. This bill would provide that a nurse, defined as a registered nurse or a licensed vocational nurse, or a certified nurse assistant (CNA), employed by the State of California in a state facility, as defined, may not be compelled to work in excess of the regularly scheduled workweek or work shift, except under certain circumstances, including the occurrence of a catastrophic event in a state facility. The bill would prohibit a state facility from coercing a nurse or CNA to work overtime, or from retaliating or discriminating against the nurse or CNA for refusing to work overtime. The bill would enact other related provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1184 without my signature. California is facing a nursing shortage and there are not enough nurses and certified nursing assistants to provide coverage in State hospitals and health care facilities. Because the State has difficulty recruiting a sufficient number of these dedicated professionals for its hospitals and other health care facilities, the State relies on mandatory overtime staff to meet minimum level-of-care staffing requirements. My administration has made the training and recruitment of new nursing professionals a high priority, with the added goal of filling vacant nursing positions and reducing the resulting overtime throughout state service. Additionally, the Ralph C. Dills Act requires that the state employer and the exclusive representative of rank-and-file state employees meet and confer in good faith over employee wages, hours of work, and terms and conditions of employment. This bill would unilaterally establish provisions governing hours of work for represented health care employees, thereby, circumventing the collective bargaining process and the collective bargaining agreements negotiated between the parties. If the State is to have good faith collective bargaining, then wages, hours and terms and conditions of employment must remain subject to negotiation. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

[AB 1625](#) **AUTHOR:** Klehs

TITLE: State government: reports: declarations.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, and state legislative and executive entities. This bill would additionally require any of these written reports required to be submitted by any state agency, board, or commission to include a signed statement by the head of the agency or chair of the board or commission, with specified exceptions, or specified officers of certain boards or commissions, declaring, subject to a misdemeanor penalty, that the contents of the report are true, accurate, and complete to the best of his or her knowledge. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1625 without my signature. I absolutely believe that the Legislature, indeed all elected officials, must base their decisions on information that is true, accurate, and complete. This bill, requiring legislative reports be submitted under penalty of perjury, only applies to individuals appointed by the Governor and confirmed by the Senate, and to the executive officer of the Franchise Tax Board and the executive director of the Board of Equalization. The law already protects against falsified reports to the Legislature. Department heads must take oaths of office, and various Government and Penal Code provisions set forth duties, obligations, and penalties for the accurate and truthful execution of the operation of state government. Further, the Legislature may already require individuals appearing before it to testify under oath, and false testimony is a felony. I will consider similar legislation that applies to all written materials used in the course of legislative deliberations that applies to any official of the State, elected or appointed by the Governor, the Legislature or any other constitutional officer. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

SB 239

AUTHOR: Romero

TITLE: Corrections: media access.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates. This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

GOVERNOR'S MESSAGE: I am returning Senate Bill 239 without my signature. I vetoed a bill last year, SB 1164, which would essentially accomplish the same purpose as this bill. I believe that open access by the press is an important component of ensuring efficiency and effectiveness of government programs. However, this bill is unnecessary because the media currently enjoys wide ranging access to both prisons and inmates, including the right to interview random inmates during tours and specific inmates during the visitation program. The California Department of Corrections and Rehabilitations current policy is modeled after policies that have been upheld by the U.S. Supreme Court. The policy strikes the important balance between media access and the appropriate correctional decisions that must take into account the orderly administration of prisons. Finally, it is important to avoid treating inmates as celebrities. Activities that would glamorize criminals at the expense of victims and the general public are unacceptable. A free flow of information from the prison environment into the outside world has taken place under the current policy as evidenced by the many published press accounts in the past year. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

SB 363

AUTHOR: Perata

TITLE: Hospitals: lift teams.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: Existing law regulates the operation of health facilities, including hospitals. This bill would require each general acute care hospital, except rural general acute hospitals, to establish a health care worker back injury prevention plan. This bill would require each hospital to conduct a needs assessment that utilizes a lifting and transferring process identifying patients needing lift teams, lifting devices, and lifting equipment. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: Bill 363 without my signature. This bill is similar to a measure I vetoed last year and imposes a one-size-fits-all mandate on hospitals to establish a zero lift policy requiring teams and the use of equipment to lift patients. While I do not support this bill's inflexible mandates and am concerned that by including the provisions in the Labor Code hospitals could be sued under the sue your boss law enacted in 2003, I am supportive of the bill's goals. Some hospitals have already implemented aggressive lift team policies and are experiencing success in reducing workplace injuries. However, I am puzzled by the exemption this bill grants to rural hospitals. Workplace safety laws are intended to protect all workers in an industry equally, regardless of the geographic location. If the author and proponents have exempted rural hospitals out of concern for the fiscal impact of implementing this bill, my response would be simply that financial constraints are not limited to rural hospitals but are also felt by public and private hospitals throughout California. This is precisely why the flexibility given hospitals in existing law is desirable. It is also important to note that as a result of extensive negotiations with the federal government, my Administration negotiated an additional \$3 billion for California's safety net hospitals over the next 5 years. I strongly encourage hospitals to use some of these new funds as well as the savings from workers compensation reform to pay for education, equipment and additional staff that may be required to comply with the spirit of this measure. If hospitals do not initiate these measures on their own, I will be willing to consider legislation next year that imposes the mandate. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

SB 577

AUTHOR: Figueroa

TITLE: State government operations: accountability.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law generally sets forth the duties and responsibilities of the head of any state agency, department, board, commission, bureau, or program. The bill would also, among other things, require all of the following to ensure government's fiscal responsibility: This bill contains other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 577 without my signature. I support the worthy goal to improve the performance of State government agencies, while reducing the cost of government. The California Performance Review made over 1,200 recommendations in their report, and this bill takes a few of those recommendations related to fiscal practices in the state. Unfortunately, the overall impact of these particular recommendations, taken in isolation, will not result in any savings or reduced costs, but will increase mandated workload on departments without sufficient resources or offsetting savings. In particular, requiring all State agencies to use the CalATERS automated travel system will result in higher administrative costs for some departments, including the State Controller, who oversees the system. The bill places new reporting and coordinating functions on the California Service Corps, which represent a substantial workload increase that will take away from their core mission. Finally, it requires the Department of Finance and the State Controllers Office to make recommendations for developing a fiscal management system. A similar proposal was already rejected by the Legislature in last year's budget process. I continue to encourage all the agencies and departments to use the CPR recommendations as guideposts in ongoing efforts to improve accountability throughout state government. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation
2005 Vetoed Bills

[SB 616](#)

AUTHOR: Speier

TITLE: Inmate health care.

STATUS: 10/06/2005-Vetoed by Governor

SUMMARY: Existing law requires hospitals that do not contract with the Department of Corrections and Rehabilitation for emergency health care services to provide those services at a Medicare rate. Existing law prohibits the department from reimbursing a hospital that provides those services at a rate that exceeds the hospital's reasonable and allowable costs. This bill would require the department to make a reasonable effort to lower health care expenditures, as specified. The bill would require the department to strive to renegotiate each health care contract that is not competitively bid as it expires, to obtain services at the most advantageous price, with a goal of 115% of the Medicare rate. The bill would require the department, to the extent possible, to provide health care services to inmates at the prison site, if it would be more cost-effective than transporting inmates to outside hospitals. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 616 without my signature. I share the Legislatures concern over the cost of providing health care to inmates. However, since the Department of Corrections and Rehabilitations health care program is now under federal receivership, it is possible that the process of the receiver will supercede all state laws in the area of providing health care to inmates. It is therefore meaningless to codify the expectations and restrictions for a program that will be shaped by the federal courts. I urge the Legislature to send to me the provisions that do not relate to healthcare within the prison facilities but instead deal with paroled veterans. Trying to find ways to connect paroled veterans with the benefits afforded to them from their military service is a very worthy goal and falls outside of the healthcare issues under federal order. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

[SB 672](#)

AUTHOR: Cox

TITLE: Community colleges: inmate education programs: computation of apportionments.

STATUS: 09/29/2005-Vetoed by Governor

SUMMARY: Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for any governing board of a community college district that provides those classes for inmates, including inmates of state correctional facilities, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 672 without my signature. This bill would inappropriately authorize community college districts to receive reimbursement at the full-credit reimbursement rate rather than the lower non-credit rate, for hours generated teaching credit classes at state prisons. The higher rate results in an excessive reimbursement given that when providing instruction in a correctional setting, community colleges do not incur facility or other student services costs. For this reason, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections & Rehabilitation

2005 Vetoed Bills

SB 874

AUTHOR: Romero

TITLE: Public contracts.

STATUS: 09/22/2005-Vetoed by the Governor

SUMMARY: Existing law authorizes the Department of General Services to contract with suppliers to acquire goods and services for state agencies. This bill would prohibit a state agency from entering into a contract for the acquisition of goods or services with a contractor, as defined, who does not have and adhere to a written policy annually providing his or her full-time employees, as defined, with not less than 5 days of regular pay for actual jury service.

GOVERNOR'S MESSAGE: I am returning Senate Bill 874 without my signature. The overarching objective of improving the jury system is one that we should all share and work together to identify tangible direct solutions. While I am generally supportive of the policy goal of allowing more prospective jurors the opportunity to participate in their civic responsibility, this proposal is not the best mechanism to achieve that goal. Prohibiting state agencies from contracting with entities that do not provide up to five days of regular pay for actual jury service would limit the number companies that could do business with the State of California. The Department of General Services is charged with obtaining the best value for the taxpayer in contracting for goods and services. This bill would impose an additional restriction on those contractors in order to do business with the State, restrict competition, and ultimately result in higher prices for goods and services. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 952

AUTHOR: Denham

TITLE: State property: Department of Corrections: Correctional Training Facility: Soledad.

STATUS: 10/07/2005-Vetoed by Governor

SUMMARY: Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. This bill would authorize the director to convey to the City of Soledad, subject to terms, conditions, reservations, and exceptions determined by the director, a specified part of the California Department of Corrections Correctional Training Facility at Soledad. The net proceeds of the conveyance would be paid into the Deficit Recovery Bond Retirement Sinking Fund Account, which is continuously appropriated, thereby making an appropriation. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Senate Bill 952 without my signature. Unfortunately, this bill includes language that would make its provisions contingent upon the enactment of Assembly Bill 54 (Negrete-McLeod), which I was forced to veto. As a result, even if signed, this bill would never become operative. For this reason, I am unable to sign the bill. Sincerely, Arnold Schwarzenegger

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