

California Department of Corrections and Rehabilitation
Office of Legislation

2012 Legislative Digest



November 2012

STATE OF CALIFORNIA

EDMUND G. BROWN, JR.
Governor

California Department of Corrections and Rehabilitation

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INTRODUCTION

This Legislative Digest is comprised of bills that were chaptered or vetoed during the second half of the 2011/2012 Legislative Session that will have, or would have had, some impact on the California Department of Corrections and Rehabilitation (CDCR).

The brief summaries do not purport to provide a complete description of the legislation or go into details of the measures. The summaries provide a brief overview of the intent of the bill.

Copies of the 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.

The chaptered bills become effective January 1, 2013, 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.

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

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AB 324

AUTHOR: Buchanan

TITLE: Juvenile offenders: recall of commitment.

STATUS: 2/29/12-Chaptered by the Secretary of State, Chapter 7, Statutes of 2012

SUMMARY: Current law provides that a person who is under 18 years of age and who commits a crime is within the jurisdiction of the juvenile court, as specified. If the juvenile court declares a person to be a ward of the court, the court issues an order with the disposition of the case. Under current law, the court may, in some cases, commit the ward to the CDCR, Division of Juvenile Facilities (DJF). Current law prohibits a court from committing a ward to the DJF under certain conditions unless the ward's most recent admitted or adjudicated offense is a specified serious or violent offense or a sex offense. This bill would expand the class of persons who may be committed to the CDCR, DJF to include a ward who has committed a specified sex offense, or who was previously found to have committed a specified serious or violent offense or a specified sex offense. Additionally, this bill would authorize the chief of the DJF to enter into contracts with counties for the DJF to provide housing to a ward who was in the custody of the DJF on December 12, 2011, and whose commitment was recalled under specific circumstances. This bill contains other related provisions.

AB 526

AUTHOR: Dickinson

TITLE: Delinquency and gang intervention and prevention grants: evidence-based principles and practices.

STATUS: 9/30/12-Chaptered by the Secretary of State, Chapter 850, Statutes of 2012

SUMMARY: Would require the Board of State and Community Corrections to identify delinquency and gang intervention and prevention grant funds and programs for the purpose of consolidating those grant funds and programs and moving toward a unified single delinquency intervention and prevention grant application process in adherence with all applicable federal guidelines and mandates. The bill would require the board to develop incentives for units of local government to develop comprehensive regional partnerships in order to deliver services to a broader target population and maximize the impact of state funds at the local level. The bill would also require, by January 1, 2014, the board to develop funding allocation policies to ensure that within 3 years no less than 70% of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. The bill would specify that its provisions do not include funds already designated to the Local Revenue Fund 2011 pursuant to other sections of law.

AB 1165

AUTHOR: Achadjian

TITLE: Domestic violence: probation: terms.

STATUS: 9/27/12-Chaptered by the Secretary of State, Chapter 628, Statutes of 2012

SUMMARY: Current law requires that for a person granted probation for a conviction of domestic violence, the terms of the probation are required to include, among other things, a

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minimum period of probation of 36 months, notice to the victim of the disposition of the case, and successful completion of a batterer's program, as defined, or, if such a program is not available, another appropriate counseling program designated by the court, for a period of not less than one year. This bill would make an act or omission relating to the approval of the batterer's treatment programs a discretionary act, as specified. This bill contains other related provisions and other current laws.

AB 1445

AUTHOR: Mitchell

TITLE: Jails: county inmate welfare funds.

STATUS: 9/27/12-Chaptered by the Secretary of State, Chapter 233, Statutes of 2012

SUMMARY: Current law provides that the sheriff of each county may maintain an inmate welfare fund to be kept in the treasury of the county into which profit from a store operated in connection with the county jail, 10% of all gross sales of inmate hobbycraft, and any rebates or commissions received from a telephone company, as specified, are required to be deposited. Current law authorizes the sheriff to expend money from the fund to assist indigent inmates, prior to release, with clothes and transportation expenses, as specified. Current law authorizes inmate welfare funds to be used to augment county expenses determined by the sheriff to be in the best interests of the inmates, and requires the sheriff to submit an itemized report of those expenditures annually to the board of supervisors. This bill would extend the operation of those provisions until January 1, 2015, and would add the Counties of Marin, Napa, San Luis Obispo, and Ventura to the program. The bill would authorize the sheriffs of counties participating in the program or the county officer responsible for operating the jails, to spend money from the inmate welfare fund for the purpose of assisting indigent inmates with the reentry process within 30 days after the inmate's release from the county jail or other adult detention facility, as specified. The bill would also specify that money from the inmate welfare fund shall not be used under the pilot program to provide services that are required to be provided by the sheriff or county, as specified. The bill would require, if a county elects to participate in the pilot program, a county sheriff or county officer responsible for operating a jail to include specified additional information in the itemized report of expenditures to the board of supervisors, including the number of inmates the program served. This bill contains other current laws.

AB 1481

AUTHOR: Committee on Budget

TITLE: Public safety.

STATUS: 9/17/12-Chaptered by the Secretary of State, Chapter 342, Statutes of 2012

SUMMARY: Would require that at least one party demanding a jury on each side of a civil case pay a nonrefundable fee of \$150, unless the fee has been paid by another party on the same side of the case. The bill would make that fee due on or before the date scheduled for the initial case management conference in the action, except in specified circumstances. The bill would make related and conforming changes to those provisions. This bill contains other related provisions and other current laws.

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AB 1593

AUTHOR: Ma

TITLE: Parole: intimate partner battering.

STATUS: 9/30/12-Chaptered by the Secretary of State, Chapter 809, Statutes of 2012

SUMMARY: Current law requires the Board of Parole Hearings, one year prior to an inmate's minimum eligible parole release date, to meet with the inmate to review his or her suitability for parole. As part of this review, current law requires the board to consider information or evidence that, at the time of the crime, the person had experienced intimate partner battering, if that person was convicted of the offense prior to the enactment of a specified provision of law. Under current law, the board is required to annually report to the Legislature and the Governor on cases that the board considered for parole, including the board's decisions and the findings of its investigations in these cases. Current case law supports the denial of parole on the ground that the prisoner lacks insight into his or her crimes and its causes. This bill would instead require the board to consider the information or evidence described above if the person was convicted of an offense that occurred prior to August 29, 1996. The bill would require the board to give great weight to information or evidence of intimate partner battering at the time of the crime. Additionally, the bill would require specific and detailed findings of the board's investigations to be included in the annual report. The bill would also provide that the fact that a prisoner has presented evidence of intimate partner battering cannot be used to support a finding that the prisoner lacks insight into his or her crime.

AB 1835

AUTHOR: Fletcher

TITLE: Sex offenders.

STATUS: 8/17/12-Chaptered by the Secretary of State, Chapter 174, Statutes of 2012

SUMMARY: Current law authorizes access to all relevant records pertaining to a registered sex offender for, among others, a probation officer authorized and trained to administer the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO). This bill would additionally authorize access to relevant records pertaining to a registered sex offender to a sex offender management professional certified by the California Sex Offender Management Board, who is authorized to administer the SARATSO but who was trained pursuant to a different provision of law.

AB 1907

AUTHOR: Lowenthal

TITLE: Inmates: psychiatric medication.

STATUS: 9/30/12-Chaptered by the Secretary of State, Chapter 814, Statutes of 2012

SUMMARY: Current law requires that no inmate be administered psychotropic medication on a nonemergency basis without the inmate's informed consent, unless after a noticed hearing is conducted in which an administrative law judge determines by clear and convincing evidence that the inmate has a mental illness or disorder, that as a result of that illness the inmate is gravely disabled and lacks the capacity to consent or refuse treatment or is a danger to self or others if not medicated, that there is no less intrusive alternative to involuntary medication, and that the medication is in the inmate's best interest. Current law authorizes the CDCR to seek to

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initiate involuntary medication on a nonemergency basis only if specified conditions are met, including that a psychiatrist has determined that the inmate is gravely disabled or is a danger to self or others and does not have the capacity to refuse treatment with psychotropic medication. This bill would contain findings and declarations to the effect that it is the intent of the Legislature in enacting specified legislation, which was previously enacted, to terminate the permanent injunction stemming from the decision in *Keyhea v. Rushen* providing a process for the involuntary administration of psychotropic medication to prisoners, and to replace those provisions with the provisions previously enacted, as specified. This bill contains other related provisions and other current laws.

AB 1956

AUTHOR: Portantino

TITLE: Juvenile offenders: tattoo removal.

STATUS: 9/29/12-Chaptered by the Secretary of State, Chapter 746, Statutes of 2012

SUMMARY: Current law further establishes the California Voluntary Tattoo Removal Program, which serves individuals between 14 and 24 years of age, inclusive, who are in the custody of the CDCR or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified. This bill would expand these tattoo removal programs to serve individuals who were tattooed for identification in trafficking or prostitution and are in the custody of the CDCR or county probation departments, who are on parole or probation, or who are in a specified community-based organization. The bill would also express the intent of the Legislature to encourage the Board of State and Community Corrections to extend current federal funding, if available, to programs serving individuals from 14 and 24 years of age, inclusive, who were tattooed for identification in trafficking or prostitution.

AB 1986

AUTHOR: Davis

TITLE: Redistricting.

STATUS: 9/14/12-Chaptered by the Secretary of State, Chapter 318, Statutes of 2012

SUMMARY: Current law requests the Citizens Redistricting Commission to deem each incarcerated person as residing at his or her last known place of residence, rather than at the institution of his or her incarceration. This bill would require the CDCR to exclude all inmates in state custody for whom a last known place of residence within California cannot be determined and inmates in federal custody in a facility within California from the information furnished to the commission. The bill also would request the commission to refrain from publishing any information regarding a specific inmate's last known place of residence and would make clarifying and conforming changes.

AB 2127

AUTHOR: Carter

TITLE: Work release.

STATUS: 9/29/12-Chaptered by the Secretary of State, Chapter 749, Statutes of 2012

SUMMARY: Would authorize a sheriff or other official to permit a participant in a work release

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program to receive work release credit for documented participation in educational programs, vocational programs, substance abuse programs, life skills programs, or parenting programs. The bill would require that participation in these programs be considered in lieu of performing labor in a work release program on an hour-for-hour basis, with 8 work-related hours to equal to one day of custody credit, and would not limit the credit received for that participation nor require that the participant perform manual labor.

AB 2251

AUTHOR: Feuer

TITLE: Victim restitution: victim's contact information.

STATUS: 7/13/12-Chaptered by the Secretary of State, Chapter 124, Statutes of 2012

SUMMARY: Current law requires a court to order a criminal defendant to make restitution in every case in which a victim has suffered economic loss as a result of the defendant's conduct. In cases where a person is committed to an institution under the jurisdiction of the CDCR and the court has ordered the person to pay restitution to a victim, current law authorizes the applicable county probation officer to send the victim's contact information and a copy of the restitution order to the department for the purpose of distributing restitution if the victim consents. This bill would, notwithstanding the above provision requiring the victim's consent, authorize a district attorney to send the victim's contact information and a copy of the restitution order to the department for that purpose if the district attorney finds that it is in the best interest of the victim to send that information. If the victim affirmatively objects, the bill would prohibit the district attorney from sending the victim's contact information to the department. The bill would provide that the district attorney would not be required to inform the victim of the right to object.

AB 2357

AUTHOR: Galgiani

TITLE: Inmate: temporary removal.

STATUS: 7/17/12-Chaptered by the Secretary of State, Chapter 145, Statutes of 2012

SUMMARY: Would, until January 1, 2013, additionally authorize the Secretary of the CDCR to temporarily remove any inmate from prison or any other institution for the detention of adults under the jurisdiction of the department for the purpose of permitting the inmate to participate in or assist with the gathering of evidence relating to crimes, and would, until January 1, 2013, authorize the secretary to require, except when the removal is for medical treatment or to assist with the gathering of evidence relating to crimes, the inmate to reimburse the state for its reasonable expenses incurred in connection with the temporary removal. The bill would also make technical changes. This bill contains other related provisions.

AB 2490

AUTHOR: Butler

TITLE: Veterans: correctional counselors.

STATUS: 9/20/12-Chaptered by the Secretary of State, Chapter 407, Statutes of 2012

SUMMARY: Would require the CDCR to develop guidance policies to assist veterans who are inmates in pursuing claims for federal veterans' benefits, or in establishing rights to any other privilege, preference, care, or compensation provided under federal or state law because of

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honorable service in the military. The bill would authorize the department to coordinate with the Department of Veterans Affairs and county veterans service officers or veterans service organizations in developing the policies.

AB 2530

AUTHOR: Atkins

TITLE: Inmates in labor.

STATUS: 9/28/12-Chaptered by the Secretary of State, Chapter 726, Statutes of 2012

SUMMARY: Would prohibit a pregnant inmate, as defined, in labor, in recovery, or after delivery, from being restrained by the use of leg irons, waist chains, or handcuffs behind the body. The bill would prohibit, in these circumstances, restraint by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public. The bill would require the standards established by the Board of State and Community Corrections to require that pregnant inmates to be advised, orally or in writing, of standards and policies governing pregnant inmates. This bill contains other related provisions and other current laws.

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SB 9

AUTHOR: Yee

TITLE: Sentencing.

STATUS: 9/30/12-Chaptered by the Secretary of State, Chapter 828, Statutes of 2012

SUMMARY: Would authorize a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without parole to submit a petition for recall and resentencing to the sentencing court, and to the prosecuting agency, as specified. The bill would prohibit a prisoner who tortured his or her victim or whose victim was a public safety official, as defined, from filing a petition for recall and resentencing. The bill would require the petition to include a statement from the defendant that includes, among other things, his or her remorse and work towards rehabilitation. The bill would establish certain criteria, at least one of which shall be asserted in the petition, to be considered when a court decides whether to conduct a hearing on the petition for recall and resentencing and additional criteria to be considered by the court when deciding whether to grant the petition. The bill would require the court to hold a hearing if the court finds that the statements in the defendant's petition are true, as specified. The bill would apply retroactively, as specified.

SB 71

AUTHOR: Leno

TITLE: State agencies: boards, commissions, and reports.

STATUS: 9/28/12-Chaptered by the Secretary of State, Chapter 728, Statutes of 2012

SUMMARY: Would eliminate the requirement that certain state agencies submit certain reports to the Legislature and other state agencies relating to a variety of subjects. The bill would also modify various requirements of certain reports by, among other ways, requiring specified reports be placed on the Internet Web site of the reporting agency rather than submitted to the Legislature or other state agencies, requiring certain agencies to collaborate with other agencies in preparing specified reports, consolidating certain reports, deleting the requirement that specified state agencies make specified information available on their Internet Web sites, and transferring reporting duties from one agency to another. This bill contains other related provisions and other current laws.

SB 542

AUTHOR: Price

TITLE: Inmate Welfare Fund.

STATUS: 9/30/12-Chaptered by the Secretary of State, Chapter 831, Statutes of 2012

SUMMARY: Would authorize the use of moneys in the Inmate Welfare Fund for education programs, hobby and recreational programs, as specified, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, and would specify the intent of the Legislature that the moneys not be used for programs that the department is required to provide. The bill would require the warden of each institution and specified other stakeholders to meet at least biannually to determine how the money is used in that institution. This bill contains other related provisions and other current laws.

Chaptered Bills - Senate

[SB 1020](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Public Safety Realignment.

STATUS: 6/28/12-Chaptered by the Secretary of State, Chapter 40, Statutes of 2012

SUMMARY: Current law, the 2011 Realignment Legislation addressing public safety and related statutes, require that certain specified felonies be punished by a term of imprisonment in a county jail for 16 months, or 2 or 3 years and provides for postrelease community supervision by county officials for persons convicted of certain specified felonies upon release from prison or county jail. As part of the realignment of public safety services to local agencies, current law establishes the Local Revenue Fund 2011 into which specified tax revenues are deposited and are continuously appropriated for the provision of public safety services, as defined. Under current law, the Local Revenue Fund 2011 contains various accounts and subaccounts from which the revenues are then allocated to corresponding local accounts. This bill would revise the provisions establishing the Local Revenue Fund 2011 by abolishing accounts in the fund as of September 30, 2012, with the exception of the Mental Health Account which this bill would retain, and creating new accounts, subaccounts, and special accounts in the Local Revenue Fund of 2011, as provided. The bill would require that money in the current accounts be transferred to the newly created successor accounts on September 15, 2012. The bill would direct each county or city and county to create corresponding local accounts in each county or city and county's County Local Revenue Fund 2011, as provided, to receive allocations from the state accounts. The bill would permit any county or city and county to annually reallocate money between subaccounts in the local Support Services Account, and to reallocate funds from the Protective Services Subaccount or the Behavioral Health Subaccount, or both, to the Support Services Reserve Subaccount, which would be created pursuant to this bill, as provided. This bill contains other related provisions and other current laws.

[SB 1021](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Public safety.

STATUS: 6/28/12-Chaptered by the Secretary of State, Chapter 41, Statutes of 2012

SUMMARY: Current law establishes the CDCR, and provides that the department shall be headed by a secretary who is appointed by the Governor, subject to Senate confirmation. Current law authorizes the Governor to appoint to the department 2 undersecretaries, requires the Governor to appoint 3 chief deputy secretaries, and an assistant secretary for health care policy, all subject to Senate confirmation. Current law also authorizes the Governor to appoint assistant secretaries for victim and survivor rights and services and for correctional safety. This bill would reorganize the executive structure of the department in various ways, including, among others, modifying the responsibilities of the undersecretaries, removing the provisions that authorize the Governor to appoint chief deputy secretaries and assistant secretaries, authorizing the Governor to appoint a chief for certain offices to be created by this bill, and creating certain divisions within the department and abolishing others. This bill contains other related provisions and other current laws.

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[SB 1022](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Correctional facilities.

STATUS: 6/28/12-Chaptered by the Secretary of State, Chapter 42, Statutes of 2012

SUMMARY: Would authorize the CDCR to design and construct new, or renovate current, housing units, support buildings, programming space, and any necessary ancillary improvements in order to add capacity at facilities and to provide medical, dental, and mental health treatment or housing to inmates, and would specify the facilities and projects for which funds may be used. The bill would revise the maximum amount of costs authorized for the design and construction of the projects specified above. The bill would delete the provisions authorizing the department to acquire land, design, construct, and renovate reentry program facilities. This bill contains other related provisions and other current laws.

[SB 1023](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Public safety: realignment.

STATUS: 6/28/12-Chaptered by the Secretary of State, Chapter 43, Statutes of 2012

SUMMARY: Current law, for purposes of the crime of money laundering, defines criminal activity to mean a criminal offense punishable by the laws of the state by death or imprisonment in the state prison. This bill would include in the definition of criminal activity a criminal offense punishable by imprisonment in county jail for more than one year. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other current laws.

[SB 1121](#)

AUTHOR: Hancock

TITLE: Inmates: assessments.

STATUS: 9/29/12-Chaptered by the Secretary of State, Chapter 761, Statutes of 2012

SUMMARY: Would require the input of a credentialed teacher, vice principal, or principal at all meetings relating to academic or vocational education program placement of an inmate, including, but not limited to, interviewing the inmate, verifying the inmate's education records and test scores, or being present at meetings relating to the academic or vocational education program placement.

[SB 1171](#)

AUTHOR: Harman

TITLE: Maintenance of the codes.

STATUS: 7/23/12-Chaptered by the Secretary of State, Chapter 162, Statutes of 2012

SUMMARY: Current law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes. This bill would make nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

Chaptered Bills - Senate

SB 1210

AUTHOR: Lieu

TITLE: Collection of criminal fines and penalties.

STATUS: 9/29/12-Chaptered by the Secretary of State, Chapter 762, Statutes of 2012

SUMMARY: Would require the court to assess an additional postrelease community supervision revocation restitution fine or mandatory supervision revocation restitution fine in every case where a person is convicted of a crime and is subject to postrelease community supervision or mandatory supervision, for deposit into the Restitution Fund in the State Treasury, a continuously appropriated fund. Because the bill creates a new source of revenue for deposit into the Restitution Fund, the bill would make an appropriation. This bill contains other related provisions and other current laws.

SB 1351

AUTHOR: Rubio

TITLE: Peace officers.

STATUS: 7/9/12-Chaptered by the Secretary of State, Chapter 68, Statutes of 2012

SUMMARY: Would provide that a peace officer also includes a correctional officer who is employed by a city, county, or city and county which operates a facility that provides housing for inmates sentenced to county correctional facilities, as specified, who has the authority and responsibility for maintaining custody of inmates sentenced to or housed in that facility and who performs tasks related to the operation of that facility. This bill contains other related provisions and other current laws.

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AB 1270

AUTHOR: Ammiano
TITLE: Prisons: media access.
STATUS: 9/30/12-Vetoed by the 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 CDCR, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. 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 1270 without my signature. While it is important for our prisons to allow media access, this bill goes too far. This bill would give reporters expansive new rights to record on-camera video interviews with virtually any state prisoner-and, conversely, would give prisoners dramatically expanded access to the television media. Currently, reporters are allowed to correspond with inmates by visiting them face-to-face, or contacting them by telephone and mail. Wardens can also let reporters conduct random face-to-face interviews with tape recorders, notebooks, and cameras. But this bill would prevent wardens from denying on-camera television interviews unless they pose "an immediate and direct threat." This standard is too high. Wardens should be able to deny television interviews when they may reasonably jeopardize safety or prison operations. Furthermore, giving criminals celebrity status through repeated appearances on television will glorify their crimes and hurt victims and their families. And the cost of implementing and monitoring this expansive new level of access should not be imposed at a time when prison budgets are being cut. I agree that too little media access may be harmful, but too much can be as well. This bill gives too much. Sincerely, Edmund G. Brown Jr.

AB 2031

AUTHOR: Fuentes
TITLE: Probation: community corrections programs.
STATUS: 9/30/12-Vetoed by the Governor.

SUMMARY: Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and the heads of various county social services programs. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment. This bill would add a rank-and-file deputy sheriff, a rank-and-file probation officer or deputy probation officer, a rank-and-file social worker, and a counselor employed by a county alcohol and substance abuse program, to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require a local Community Corrections Partnership to meet at least once each year. The

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bill would require the vote of the rank-and-file probation officer or deputy probation officer on the local plan. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2031 without my signature. This bill would add rank and file law enforcement and other members to the Board of State and Community Corrections and local Community Corrections Partnerships. The membership of the Board and the local Partnerships was something I carefully considered and crafted as part of my realignment proposal. To date, I have not seen credible evidence that would convince me to change the original design. If, after a reasonable period of time, it becomes clear that the absence of rank and file members is a problem, I will be glad to reconsider. Sincerely, Edmund G. Brown Jr.

AB 2460

AUTHOR: Dickinson

TITLE: Firearms.

STATUS: 9/28/12-Vetoed by the Governor.

SUMMARY: Under existing law, a person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year. Existing law exempts from this requirement the purchase of a handgun if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff's official, a marshal's office, the CDCR, the California Highway Patrol, any district attorney's office, or the military or naval forces of this state or of the United States for use in the discharge of their official duties. This bill would prohibit a person exempted under the above provision from selling or otherwise transferring the ownership of the handgun to a person who is not exempted under the same provision. By expanding the definition of a 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 2460 without my signature. This bill would restrict law enforcement and military personnel - and only those individuals - from selling lawfully purchased handguns that have not been certified by the Attorney General's Office. This bill takes from law enforcement officers the right to an activity that remains legally available to every private citizen. I don't believe this is justified. Sincerely, Edmund G. Brown Jr.

AB 2527

AUTHOR: Swanson

TITLE: Probation: mandatory termination of period of probation.

STATUS: 9/29/12-Vetoed by the Governor.

SUMMARY: Existing law defines probation as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Existing law prescribes who is eligible for probation and the process by which probation is granted. Existing law authorizes a court to terminate the period of probation and discharge the probationer at any time when the ends of justice will be subserved, and when the good conduct and reform of the person so held on probation warrant it. This bill would instead require the court to terminate the period of probation and discharge the probationer at any time when the ends of justice will be subserved, and when the good conduct and reform of the person so held on probation warrant it. The bill would authorize the court to

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consider specified factors, among others, in determining whether to terminate the period of probation for good conduct and reform of the person so held on probation.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2527 without my signature. Requiring rather than permitting a court to terminate an offender's probation any time good conduct might warrant it will impose new burdens on probation and the courts. Our justice system is in the earliest stages of making the realignment program work, so I'm hesitant at this time to alter the authority and working practices of probation officers. Sincerely, Edmund G. Brown Jr.

SB 1002

AUTHOR: Yee

TITLE: Public records: electronic format.

STATUS: 9/28/12-Vetoed by the Governor.

SUMMARY: The California Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of a person, to provide a copy of a public record unless the record is exempt from disclosure. The act requires an agency that has information that constitutes an identifiable public record not otherwise exempt from disclosure that is in an electronic format to make that information available in an electronic format when requested by a person. The act requires the agency to make the information available in an electronic format in which it holds the information. This bill would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 1002 without my signature. This bill would require the State Chief Information Officer to provide a report to the Legislature on the feasibility of providing public records in a specific electronic format. The role of the State Chief Information Officer is to make sure that state government uses information technology efficiently and effectively - including providing public records electronically when possible. Another legislative report on electronic public records isn't necessary. Sincerely, Edmund G. Brown Jr.

SB 1098

AUTHOR: LaMalfa

TITLE: Conservation camps: inmate labor.

STATUS: 9/13/12-Vetoed by the Governor.

SUMMARY: Existing law requires the Department of Forestry and Fire Protection to utilize inmates and wards assigned to conservation camps, among other things, in performing fire prevention, fire control, and other work of the department. This bill would require the CDCR to provide all inmate classification, reclassification, and readmission score sheets in its possession to the Department of Forestry and Fire Protection personnel assigned to the conservation camp in which the inmate is being placed.

GOVERNOR'S MESSAGE: I am returning Senate Bill 1098 without my signature. This bill would require the California CDCR to provide all inmate classification, reclassification, and readmission score sheets in its possession to the Department of Forestry and Fire Protection personnel assigned to the conservation camp in which an inmate has been placed. The CDCR already provides classification information on each inmate that participates in a conservation camp. Consequently, this bill is unnecessary. Sincerely, Edmund G. Brown Jr.

Vetoed Bills

SB 1160

AUTHOR: Padilla

TITLE: Communications: service interruptions.

STATUS: 9/29/12-Vetoed by the Governor.

SUMMARY: Existing law provides that an agent, operator, or employee of a telegraph or telephone office who willfully refuses or neglects to send a message received by the office is guilty of a misdemeanor. Existing law provides that these requirements are not applicable when charges for transmittal or delivery of the message have not been paid or tendered, for messages counseling, aiding, abetting, or encouraging treason or resistance to lawful authority, to a message calculated to further any fraudulent plan or purpose, to a message instigating or encouraging the perpetration of any unlawful act, or to a message facilitating the escape of any criminal or person accused of crime. This bill would retain the provision that the above-described requirements are not applicable when payment for charges for transmittal or delivery of the message has not been paid or tendered, but would delete the other enumerated exceptions. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 1160 without my signature. This bill would require local law enforcement to make certain findings and determinations within six hours of interruption of communication service in barricade, hostage and emergency circumstances. While I applaud the author's efforts to authorize interruption of service only in the most extreme cases, the extent of the findings in the bill that must be made by officers engaged in conflict could divert attention away from resolving the conflict without further threat to public safety. I encourage the author and law enforcement agencies to engage in discussion in the upcoming legislative session and send me a bill that balances protection of speech with the ability of law enforcement to utilize this tool in the protection of public health and safety. Sincerely, Edmund G. Brown Jr.

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