

California Department of Corrections and Rehabilitation
Office of Legislation

2013 Legislative Digest



November 2013

STATE OF CALIFORNIA

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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 first half of the 2013/2014 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, 2014, 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 68

AUTHOR: Maienschein

TITLE: Parole

STATUS: 10/12/13-Chaptered by the Secretary of State, Chapter 764, Statutes of 2013

SUMMARY: This bill requires the CDCR to give notice of any medical parole hearing and any medical parole release to the county of commitment, and the county of proposed release, at least 30 days, or as soon as feasible, prior to a medical parole hearing or a medical parole release.

AB 81

AUTHOR: Committee on Budget

TITLE: Public Safety: domestic abuse

STATUS: 8/27/13-Chaptered by the Secretary of State, Chapter 161, Statutes of 2013

SUMMARY: Current law, as amended by SB 71 of the 2013-14 Regular Session, authorizes every law enforcement agency in the state to develop, adopt, and implement written policies and standards for officers, responses to domestic violence calls, as specified. Current law, as amended by SB 71 of the 2013-14 Regular Session, also authorizes law enforcement agencies to maintain a complete and systemic record of all protection orders with respect to domestic violence incidents and to develop a system for recording all domestic violence-related calls for assistance, including whether weapons were involved. This bill provides that, if SB 71 of the 2013-14 Regular Session is enacted and becomes operative, these provisions are mandatory for law enforcement agencies.

AB 494

AUTHOR: Perez, V. Manuel

TITLE: Prisoners: literacy and education

STATUS: 10/13/13-Chaptered by the Secretary of State, Chapter 784, Statutes of 2013

SUMMARY: This bill requires the CDCR to implement literacy programs that are designed to ensure that upon parole inmates are able to achieve the goals specified in this bill. This bill requires the Department to prepare an implementation plan and request sufficient funds to, among other things, offer academic programming throughout an inmate's incarceration that focuses on increasing the reading ability of an inmate to at least a 9th grade level and, for an inmate reading at a 9th grade level or higher, focus on helping the inmate obtain a general education development certificate, or its equivalent, or high school diploma. This bill also made technical, nonsubstantive changes to these provisions.

AB 555

AUTHOR: Salas

TITLE: Social Security Numbers

STATUS: 8/13/13-Chaptered by the Secretary of State, Chapter 103, Statutes of 2013

SUMMARY: Current law prohibits a person or entity, with specified exceptions, from publicly posting or displaying an individual's social security number or doing certain other acts that might compromise the security of an individual's social security number, unless otherwise required by federal or state law. This bill declares that those provisions do not prevent an adult state correctional facility, an adult city jail, or an

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adult county jail, from releasing an inmate's social security number, with the inmate's consent and upon request by the county veterans service officer or the United States Department of Veterans Affairs, for the purposes of determining the inmate's status as a military veteran and his or her eligibility for federal, state, or local veterans' benefits or services.

AB 610

AUTHOR: Achadjian

TITLE: State hospitals: involuntary treatment.

STATUS: 10/10/13-Chaptered by the Secretary of State, Chapter 705, Statutes of 2013

SUMMARY: This bill specifies that, in the case of a person who is in a prison or in a state mental hospital, the written evaluation on remission be submitted to the district attorney of the county of commitment to prison. This bill contains other related provisions and other existing laws.

AB 625

AUTHOR: Quirk

TITLE: Notaries public: acceptance of identification

STATUS: 8/27/13-Chaptered by the Secretary of State, Chapter 159, Statutes of 2013

SUMMARY: This bill recasts provisions to make an inmate identification card that is current or has been issued within 5 years by the CDCR, if the inmate is in custody in prison, an allowable form of identification for a credible witness to prove the identity of an individual who executes a written instrument, and to delete the requirement that the card have additional identifying information.

AB 752

AUTHOR: Jones-Sawyer

TITLE: Work furlough: county jails

STATUS: 7/3/13-Chaptered by the Secretary of State, Chapter 52, Statutes of 2013

SUMMARY: Current law authorizes a county, upon approval by the board of supervisors, to establish a work furlough program. This bill makes a change to the work furlough provision described above and authorizes a person sentenced to county jail for a felony to participate in a work furlough program. The bill also makes a technical change to the provision describing job training for purposes of these provisions. This bill contains other existing laws.

AB 884

AUTHOR: Bonilla

TITLE: County Board of Parole Commissioners: parole terms

STATUS: 10/1/13-Chaptered by the Secretary of State, Chapter 456, Statutes of 2013

SUMMARY: Current law establishes a board of parole commissioners in each county, and requires the board to consider applications for parole from locally incarcerated inmates. Current law allows a county board to release a prisoner on parole for a term not to exceed 2 years, with supervision and under conditions as may seem fit and proper for the prisoner's rehabilitation. This bill instead allowed a county board to release a prisoner on parole for a term not to exceed 3 years.

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[AB 986](#)

AUTHOR: Bradford

TITLE: Postrelease community supervision: flash incarceration: county jails

STATUS: 10/13/13-Chaptered by the Secretary of State, Chapter 788, Statutes of 2013

SUMMARY: Current law provides for review of an alleged parole violation and likewise allows the supervising parole agency to impose additional conditions of supervision, including flash incarceration in a county jail. Current law defines flash incarceration for these purposes as a period of detention in a county jail ranging from one to 10 days due to a violation of an offender's conditions of release. This bill additionally permits flash incarceration in a city jail pursuant to the above provisions. The bill makes a conforming change and also makes technical, nonsubstantive changes.

[AB 1019](#)

AUTHOR: Ammiano

TITLE: State prisons: correctional education and vocational training

STATUS: 10/13/13-Chaptered by the Secretary of State, Chapter 789, Statutes of 2013

SUMMARY: This bill requires goals for career technical education to be set by the Superintendent of Correctional Education, and would establish factors that are required to be considered when establishing a career technical education program, including the demand for the skills being trained and the availability of employment in those fields.

[AB 1050](#)

AUTHOR: Dickinson

TITLE: Board of State and Community Corrections

STATUS: 9/9/13-Chaptered by the Secretary of State, Chapter 270, Statutes of 2013

SUMMARY: This bill requires the Board of State and Community Corrections, in consultation with certain individuals, including a county supervisor or county administrative officer, a county sheriff, and the Secretary of the CDCR, to develop definitions of specified key terms in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based programs.

Chaptered Bills - Senate

[SB 57](#)

AUTHOR: Lieu

TITLE: Electronic monitoring: removing or disabling GPS device: offense

STATUS: 10/12/13-Chaptered by the Secretary of State, Chapter 776, Statutes of 2013

SUMMARY: This bill prohibits a person who is required to register as a sex offender and who is subject to parole supervision from removing, as specified, an electronic, GPS, or other monitoring device affixed as a condition of parole. Upon a violation of the provision, the bill requires the parole authority to revoke the person's parole and impose a mandatory, 180-day period of incarceration. This bill contains other related provisions and other existing laws.

[SB 74](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Corrections

STATUS: 6/27/13-Chaptered by the Secretary of State, Chapter 30, Statutes of 2013

SUMMARY: This bill establishes within the CDCR an Undersecretary for Health Care Services. The bill establishes, under that undersecretary, the Division of Health Care Operations and the Division of Health Care Policy and Administration to be headed by a director, who shall be appointed by the Governor. This bill contains other related provisions and other existing laws.

[SB 76](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Public Safety

STATUS: 6/27/13-Chaptered by the Secretary of State, Chapter 32, Statutes of 2013

SUMMARY: Current law establishes in the State Treasury the Local Revenue Fund 2011, a continuously appropriated fund, and requires that its funds be allocated exclusively for public safety services, as defined. Current law further establishes the Law Enforcement Services Account within that fund, and creates the Enhancing Law Enforcement Activities Subaccount and the Juvenile Justice Subaccount within the Law Enforcement Services Account. This bill requires the Controller to allocate funds from the above-described accounts for those same purposes and in the same amounts, but requires that the allocations be made in monthly installments. This bill contains other related provisions and other existing laws.

[SB 100](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Public finance

STATUS: 9/26/13-Chaptered by the Secretary of State, Chapter 360, Statutes of 2013

SUMMARY: Senate Bill (SB) 100 makes technical corrections to the budget trailer bills adopted as part of the overall budget package of June 2013. As it pertains to the CDCR, this bill contains a provision to amend Welfare and Institutions Code §1400-1403, which contains statutory authority for California's membership and participation in the Interstate Compact for Juveniles. The amendment to WIC § 1403 will extend the sunset on these statutes from January 1, 2014 to January 1 2016.

Chaptered Bills - Senate

SB 105

AUTHOR: Steinberg

TITLE: Corrections

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 162

AUTHOR: Lieu

TITLE: Prisoners: temporary removal

STATUS: 7/3/13-Chaptered by the Secretary of State, Chapter 56, Statutes of 2013

SUMMARY: This bill authorizes the superior court to order the temporary removal of a prisoner from a state prison facility, and his or her transportation to a county or city jail, if a legitimate law enforcement purpose exists to move the prisoner. The bill authorizes the order to be issued, at the discretion of the court, upon a finding of good cause in an affidavit by the requesting district attorney or peace officer, as specified. The bill makes the expense of executing the order a proper charge against, and requires payment by, the county in which the order is made. This bill contains other existing laws.

SB 254

AUTHOR: Hancock

TITLE: Solid waste: used mattresses: recycling and recovery

STATUS: 9/27/13-Chaptered by the Secretary of State, Chapter 388, Statutes of 2013

SUMMARY: This bill establishes the Used Mattress Recovery and Recycling Act. The bill authorizes a qualified industry association, as defined, to establish a mattress recycling organization, as defined. The bill authorizes the Department of Resources Recycling and Recovery to certify that a mattress recycling

Chaptered Bills - Senate

organization has been established. The bill requires the mattress recycling organization to develop, implement, and administer a mattress recycling program pursuant to the act. The bill requires manufacturers, retailers, and renovators of mattresses to register with the mattress recycling organization on or before January 1, 2015.

SB 260

AUTHOR: Hancock

TITLE: Youth offender parole hearings

STATUS: 9/16/13-Chaptered by the Secretary of State, Chapter 312, Statutes of 2013

SUMMARY: Would require the Board of Parole Hearings to conduct a youth offender parole hearing to consider release of offenders who committed specified crimes prior to being 18 years of age and who were sentenced to state prison. The bill would make a person eligible for release on parole at a youth offender parole hearing during the 15th year of incarceration if the person meeting these criteria received a determinate sentence, during the 20th year if the person received a sentence that was less than 25 years to life, and during the 25th year of incarceration if the person received a sentence that was 25 years to life. This bill contains other related provisions and other existing laws.

SB 347

AUTHOR: Beall

TITLE: Youth shelters: funding

STATUS: 10/2/13-Chaptered by the Secretary of State, Chapter 493, Statutes of 2013

SUMMARY: This bill authorizes a county to use any unexpended funds awarded to a shelter for abused and neglected children for the purpose of acquiring, renovating, constructing, or purchasing equipment for a shelter for runaway or homeless youth, and directs the CDCR to revise any contracts as necessary to implement this provision. The bill also authorizes a county that is the recipient of a contract to use funds received under the contract to provide grant awards to private nonprofit entities for the acquisition, renovation, construction, or purchase of equipment for a youth shelter.

SB 365

AUTHOR: Wolk

TITLE: Jail construction: funding

STATUS: 10/7/13-Chaptered by the Secretary of State, Chapter 627, Statutes of 2013

SUMMARY: Current law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$445,771,000 and \$774,229,000, in 2 phases, to finance the acquisition, design, and construction, and a reasonable construction reserve, of approved local jail facilities, as specified. This bill decreases the authorization for revenue bonds, notes, or bond anticipation notes in the first phase from \$445,771,000 to \$365,771,000 and increases the authorization of the 2nd phase from \$774,229,000 to \$854,229,000. This bill contains other related provisions and other existing laws.

Chaptered Bills - Senate

SB 514

AUTHOR: Committee on Public Safety

TITLE: Crimes

STATUS: 7/3/13-Chaptered by the Secretary of State, Chapter 59, Statutes of 2013

SUMMARY: Current law provides that anyone who is convicted of a felony violation of specified crimes who is employed by a department, board, or authority within the CDCR shall be terminated in accordance with the State Civil Service Act. Current law also provides that anyone who has been convicted of a felony violation of specified crimes shall not be eligible to be hired or reinstated by a department, board, or authority within the department. This bill makes technical, nonsubstantive changes to this provision. This bill contains other related provisions and other existing laws.

SB 771

AUTHOR: Galgiani

TITLE: Inmates: temporary removal

STATUS: 8/27/13-Chaptered by the Secretary of State, Chapter 181, Statutes of 2013

SUMMARY: This bill, until January 1, 2015, authorizes 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 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.

SB 821

AUTHOR: Committee on Business, Professions and Economic Development

TITLE: Healing arts

STATUS: 10/1/13-Chaptered by the Secretary of State, Chapter 473, Statutes of 2013

SUMMARY: This bill is the omnibus bill for the Senate Business and Professions Committee, which makes several technical and noncontroversial changes to provisions within the Business and Professions Code related to the regulation of the Dental Board of California, California Board of Optometry, Board of Behavioral Sciences, and Board of Pharmacy, as well as dental hygienists regulated under the Welfare and Institutions Code, as specified. It contains a provision to add Section 4021.5 to the Business and Professions Code to add a definition of "correctional pharmacy", which is defined as a "pharmacy licensed by the board, located within a state correctional facility for the purpose of providing pharmaceutical care to inmates of the state correctional facility."

Vetoed Bills

AB 169

AUTHOR: Dickinson
TITLE: Unsafe handguns
STATUS: 10/11/13-Vetoed by the Governor.

SUMMARY: This bill would limit exemptions governing unsafe handguns to a maximum of 2 firearms per person, per calendar year, and would make the provisions defining and governing unsafe handguns inapplicable to the surrender of any pistol, revolver, or other firearm capable of being concealed upon the person to a local law enforcement agency. 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 169 without my signature. Current law restricts the sale of so-called "off roster" handguns with several exemptions. Exemptions include sales between private parties and sales of single-shot handguns. Current law also prohibits the sale of more than five handguns per year, whether off-roster or not, except by a licensed firearms dealer. AB 169 would close a loophole in the single-shot exemption. That makes sense. The bill would also restrict private party off-roster sales to two per year. I do not support restricting sales in this way without evidence that such restrictions would improve public safety. I will work with the Bureau of Firearms in the Department of Justice to ensure better tracking and enforcement to prevent individuals from violating the existing five-per-year limit. Sincerely, Edmund G. Brown Jr.

AB 199

AUTHOR: Holden
TITLE: Institutional purchasers: sale of California produce
STATUS: 10/11/13-Vetoed by the Governor.

SUMMARY: The Choose California Act, would until January 1, 2017, require all California state-owned or state-run institutions, except public universities, public schools, and school districts, to purchase agricultural products grown in California to the extent possible from a California company before those that are grown outside of the state, as specified. The bill would, until January 1, 2017, encourage all public universities, public schools, and school districts in California to purchase agricultural products grown in California to the greatest extent possible.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 199 without my signature. This bill would require the state to implement a preference for agricultural products grown in California and offered by a California company. This preference would be difficult to comply with and quite onerous. Every purchase, even a single bag of apples, would be affected. I strongly support California's agricultural industry and encourage all state-run institutions to support local farmers and businesses. In fact, state growers and processors have no trouble competing for and winning the state's business. Today, approximately half of all food the Department of General Services purchases for state institutions comes from California, without a preference or a mandate. Sincerely, Edmund G. Brown Jr.

Vetoed Bills

AB 999

AUTHOR: Bonta

TITLE: Prisoner Protections for Family and Community Health Act

STATUS: 10/12/13-Vetoed by the Governor.

SUMMARY: This bill would require the CDCR to develop a 5-year plan to extend the availability of condoms in all California prisons. The bill would require, commencing January 1, 2015, and contingent upon the receipt of donations by the department, that no less than 5 prisons be incorporated into the program each year, and would require a comprehensive plan to include every prison in the state by the final year. The bill would require all nonadministrative costs of the program, including the dispensers and condoms, to be paid for through donations. The bill would make related findings and declarations.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 999 without my signature. This bill would require the California Department of Corrections and Rehabilitation to develop a plan to expand the availability of condoms to all California prisons. The Department currently allows family visitors to bring condoms for the purpose of the family overnight visitation program. While expansion of the program may be warranted, the Department should evaluate and implement this expansion carefully and within its existing authority. Sincerely, Edmund G. Brown Jr.

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