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An act to amend Sections 2910, 2915, 6250.2, 6258.1, and 11191 of, and to repeal Section 5032 of, the Penal Code, relating to prisoners.



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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2910 of the Penal Code, as amended by Section 13 of Chapter 310 of the Statutes of 2013, is amended to read:

2910. (a) The Secretary of the Department of Corrections and Rehabilitation may enter into an agreement with a city, county, or city and county to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility of the city, county, or city and county, if the sheriff or corresponding official having jurisdiction over the facility has consented thereto. The agreement shall provide for contributions to the city, county, or city and county toward payment of costs incurred with reference to such transferred prisoners.

(b) For purposes of this section, a transfer of prisoners under subdivision (a) may include inmates who have been sentenced to the department but remain housed in a county jail. These prisoners shall be under the sole legal custody and jurisdiction of the sheriff or corresponding official having jurisdiction over the facility and shall not be under the legal custody or jurisdiction of the Department of Corrections and Rehabilitation.

(c) Notwithstanding any other law, for purposes of entering into agreements under subdivision (a), any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under, or implemented pursuant to, any statute that relates to entering into those agreements is hereby waived.



(d) When an agreement entered into pursuant to subdivision (a) or (c) is in effect with respect to a particular local facility, the secretary may transfer prisoners whose terms of imprisonment have been fixed and parole violators to the facility.

(e) Prisoners so transferred to a local facility may, with notice to the secretary, participate in programs of the facility, including, but not limited to, work furlough rehabilitation programs.

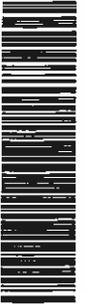
(f) The secretary, to the extent possible, shall select city, county, or city and county facilities in areas where medical, food, and other support services are available from nearby existing prison facilities.

(g) The secretary, with the approval of the Department of General Services, may enter into an agreement to lease state property for a period not in excess of 20 years to be used as the site for a facility operated by a city, county, or city and county authorized by this section.

(h) This section shall remain in effect only until ~~January 1, 2017~~, January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 1, 2017~~, January 1, 2020, deletes or extends that date.

SEC. 2. Section 2910 of the Penal Code, as added by Section 14 of Chapter 310 of the Statutes of 2013, is amended to read:

2910. (a) The Secretary of the Department of Corrections and Rehabilitation may enter into an agreement with a city, county, or city and county to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility of the city, county, or city and county, if the sheriff or corresponding official having jurisdiction over the facility has consented thereto. The agreement shall provide for



contributions to the city, county, or city and county toward payment of costs incurred with reference to such transferred prisoners.

(b) When an agreement entered into pursuant to subdivision (a) is in effect with respect to a particular local facility, the secretary may transfer prisoners whose terms of imprisonment have been fixed and parole violators to the facility.

(c) Prisoners so transferred to a local facility may, with approval of the secretary, participate in programs of the facility, including, but not limited to, work furlough rehabilitation programs.

(d) Prisoners transferred to such facilities are subject to the rules and regulations of the facility in which they are confined, but remain under the legal custody of the Department of Corrections and Rehabilitation and shall be subject at any time, pursuant to the rules and regulations of the secretary, to be detained in the county jail upon the exercise of a state parole or correctional officer's peace officer powers, as specified in Section 830.5, with the consent of the sheriff or corresponding official having jurisdiction over the facility.

(e) The secretary, to the extent possible, shall select city, county, or city and county facilities in areas where medical, food, and other support services are available from nearby existing prison facilities.

(f) The secretary, with the approval of the Department of General Services, may enter into an agreement to lease state property for a period not in excess of 20 years to be used as the site for a facility operated by a city, county, or city and county authorized by this section.



(g) An agreement shall not be entered into under this section unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department, as determined by the secretary.

(h) This section shall become operative on ~~January 1, 2017~~. January 1, 2020.

SEC. 3. Section 2915 of the Penal Code is amended to read:

2915. (a) The Secretary of the Department of Corrections and Rehabilitation may enter into one or more agreements to obtain secure housing capacity within the state. These agreements may be entered into with private entities and may be in the form of a lease or an operating agreement. The secretary may procure and enter these agreements on terms and conditions he or she deems necessary and appropriate. Notwithstanding any other law, any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under statutes that relate to the procurement and implementation of those agreements is hereby waived, however, no agreement shall contain terms, either directly or indirectly, that involve the repayment of any debt issuance or other financing and, consistent with state law, shall provide that payment of that agreement is subject to appropriation.

(b) The Secretary of the Department of Corrections and Rehabilitation may enter into one or more agreements to obtain secure housing capacity in another state. These agreements may be entered into with private entities and may be in the form of an operating agreement or other contract. The secretary may procure and enter these agreements on terms and conditions he or she deems necessary and appropriate. Notwithstanding any other law, any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under



statutes that relate to the procurement and implementation of those agreements is hereby waived, however, no agreement shall contain terms, either directly or indirectly, that involve the repayment of any debt issuance or other financing and, consistent with state law, shall provide that payment of that agreement is subject to appropriation. This subdivision does not authorize the department to operate a facility out of state.

(c) The provisions of Division 13 (commencing with Section 21000) of the Public Resources Code do not apply to this section.

(d) This section shall remain in effect only until ~~January 1, 2017~~, January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 1, 2017~~, January 1, 2020, deletes or extends that date.

SEC. 4. Section 5032 of the Penal Code is repealed.

~~5032.— The department, as directed by the Department of Finance, shall work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst’s Office to establish appropriate oversight, evaluation, and accountability measures that shall be adopted as part of their “future of corrections plan.” This shall include a periodic review, conducted by the Department of Finance’s Office of State Audits and Evaluations, that assesses the fiscal benchmarks of the plan. The Office of State Audits and Evaluations shall report to the Governor and the Legislature on its findings and recommendations annually with the first report submitted by April 1, 2013. Reports to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.~~

SEC. 5. Section 6250.2 of the Penal Code is amended to read:



6250.2. (a) The Secretary of the Department of Corrections and Rehabilitation may enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers. The secretary may enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers.

(b) Notwithstanding any other law, for the purposes of entering into agreements under subdivision (a), any process, regulation, requirement, including any state government reviews or approvals, or third-party approval that is required under, or implemented pursuant to, any statute that relates to entering into those agreements is hereby waived.

(c) This section shall remain in effect only until ~~January 1, 2017~~, January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 1, 2017~~, January 1, 2020, deletes or extends that date.

SEC. 6. Section 6258.1 of the Penal Code is amended to read:

6258.1. ~~No~~ An inmate shall not be transferred to a community correctional reentry facility unless all of the following conditions are met:

- (a) The inmate applies for a transfer to a community correctional reentry facility.
- (b) The inmate is not currently serving a sentence for conviction of any offense described in subdivision (c) of Section 667.5.
- (c) The inmate has less than ~~120~~ 180 days left to serve in a correctional facility.
- (d) The inmate has not been convicted previously of an escape pursuant to Section 4532 of the Penal Code.
- (e) The department determines that the inmate would benefit from the transfer.



SEC. 7. Section 11191 of the Penal Code, as amended by Section 17 of Chapter 310 of the Statutes of 2013, is amended to read:

11191. (a) Any court or other agency or officer of this state having power to commit or transfer an inmate, as defined in Article II (d) of the Interstate Corrections Compact or of the Western Interstate Corrections Compact, to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered into a contract or contracts for the confinement of inmates in that institution pursuant to Article III of the Interstate Corrections Compact or of the Western Interstate Corrections Compact.

(b) An inmate sentenced under California law shall not be committed or transferred to an institution outside of this state, unless he or she has executed a written consent to the transfer. The inmate shall have the right to a private consultation with an attorney of his choice, or with a public defender if the inmate cannot afford counsel, concerning his rights and obligations under this section, and shall be informed of those rights prior to executing the written consent. At any time more than five years after the transfer, the inmate shall be entitled to revoke his consent and to transfer to an institution in this state. In such cases, the transfer shall occur within the next 30 days.

(c) Notwithstanding the requirements in this section or Section 11194, the secretary may transfer an inmate to a facility in another state without the consent of the inmate.

(d) Inmates who volunteer by submitting a request to transfer and are otherwise eligible shall receive first priority under this section.



(e) This section shall remain in effect only until ~~January 1, 2017~~, January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before ~~January 1, 2017~~, January 1, 2020, deletes or extends that date.

SEC. 8. Section 11191 of the Penal Code, as added by Section 18 of Chapter 310 of the Statutes of 2013, is amended to read:

11191. (a) Any court or other agency or officer of this state having power to commit or transfer an inmate, as defined in Article II(d) of the Interstate Corrections Compact or of the Western Interstate Corrections Compact, to any institution for confinement may commit or transfer that inmate to any institution within or outside of this state if this state has entered into a contract or contracts for the confinement of inmates in that institution pursuant to Article III of the Interstate Corrections Compact or of the Western Interstate Corrections Compact.

(b) No inmate sentenced under California law may be committed or transferred to an institution outside of this state, unless he or she has executed a written consent to the transfer. The inmate shall have the right to a private consultation with an attorney of his choice, or with a public defender if the inmate cannot afford counsel, concerning his rights and obligations under this section, and shall be informed of those rights prior to executing the written consent. At any time more than five years after the transfer, the inmate shall be entitled to revoke his consent and to transfer to an institution in this state. In such cases, the transfer shall occur within the next 30 days.

(c) This section shall become operative on ~~January 1, 2017~~. January 1, 2020.



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Prisoners.

(1) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law, until January 1, 2017, allows a transfer of prisoners to include inmates who have been sentenced to the department but remain housed in a county jail, and specifies that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department. Existing law, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waives any process, regulation, or requirement relating to entering into those agreements.



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This bill would extend those provisions until January 1, 2020.

(2) Existing law, until January 1, 2017, allows the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. Existing law, until January 1, 2017, makes the provisions of the California Environmental Quality Act inapplicable to these provisions.

This bill would extend those provisions until January 1, 2020.

(3) Existing law, until January 1, 2017, allows the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(4) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law and has executed written consent to



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the transfer, except that existing law, until January 1, 2017, allows the secretary to transfer the inmate to a facility in another state without the consent of the inmate.

This bill would extend the authority of the secretary to transfer an inmate to a facility in another state without the consent of the inmate until January 1, 2020.

(5) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met, including that the inmate has less than 120 days left to serve in a correctional facility.

This bill would instead condition the transfer of an inmate to a community correction reentry facility on the inmate having less than 180 days left to serve in a correctional facility.

(6) Existing law requires the department to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst's Office to establish appropriate oversight, evaluation, and accountability measures to be adopted as part of their "future of corrections plan." Existing law requires the plan to include period review by the Department of Finance's Office of State Audits and Evaluations.

This bill would repeal those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

