

AMENDED IN SENATE JULY 2, 2001  
AMENDED IN ASSEMBLY MAY 31, 2001  
AMENDED IN ASSEMBLY MAY 17, 2001  
AMENDED IN ASSEMBLY MARCH 28, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1460**

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**Introduced by Assembly Member Nation  
(Coauthor: Assembly Member Briggs)**

February 23, 2001

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An act to amend Section 3600 of the Penal Code, relating to capital punishment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1460, as amended, Nation. Capital punishment.

Existing law requires that a male person upon whom the sentence of death has been imposed be delivered to the warden of the prison where the execution is to occur and kept there until the judgment is carried out.

This bill would permit an inmate upon whom the sentence of death has been imposed and who commits certain offenses or whose medical or mental health needs are so critical as to endanger the inmate or others to be housed in either ~~a security housing unit~~ *secure condemned housing* or an institution appropriate for medical or mental health treatment, as specified. This bill would provide that attorney-client access procedures shall be afforded to inmates housed in ~~a security housing unit~~ *secure condemned housing* or an institution for medical or mental health treatment, as specified. This bill would also require an inmate

placed in these alternative housing situations to be returned to San Quentin State Prison at least 60 days before his scheduled date of execution.

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

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3600 of the Penal Code is amended to  
2 read:

3 3600. (a) Every male person, upon whom has been imposed  
4 the judgment of death, shall be delivered to the warden of the  
5 California state prison designated by the department for the  
6 execution of the death penalty, there to be kept until the execution  
7 of the judgment, except as provided in subdivision (b).

8 (b) Notwithstanding any other provision of law:

9 (1) A condemned inmate who, while in prison, commits any  
10 of the following offenses, or who, as a member of a gang or  
11 disruptive group, orders others to commit any of these offenses,  
12 may, following disciplinary sanctions and classification actions at  
13 San Quentin State Prison, pursuant to regulations established by  
14 the Department of Corrections, be housed in a ~~security housing~~  
15 ~~unit~~ *secure condemned housing* designated by the Director of  
16 Corrections, at the California State Prison, Sacramento:

17 (A) Homicide.

18 (B) Assault with a weapon or with physical force capable of  
19 causing serious or mortal injury.

20 (C) Escape with force or attempted escape with force.

21 (D) Repeated serious rules violations that ~~substantially~~  
22 ~~threatens safety or security.~~ *substantially threaten safety or*  
23 *security, or a serious rule violation that constitutes an immediate*  
24 *threat to safety and security.*

25 (2) Specialized training protocols for supervising condemned  
26 inmates shall be provided to those line staff and supervisors at the  
27 California State Prison, Sacramento, who supervise condemned  
28 inmates on a regular basis.

29 (3) An inmate whose medical or mental health needs are so  
30 critical as to endanger the inmate or others may, pursuant to  
31 regulations established by the Department of Corrections, be  
32 housed at the California Medical Facility or other appropriate



1 institution for medical or mental health treatment. The inmate  
2 shall be returned to the institution from which the inmate was  
3 transferred when the condition has been adequately treated or is in  
4 remission.

5 (c) When housed pursuant to subdivision (b) the following  
6 shall apply:

7 (1) Similar attorney-client access procedures that are afforded  
8 to condemned inmates housed at San Quentin State Prison shall be  
9 afforded to condemned inmates housed in a ~~security housing unit~~  
10 *secure condemned housing* designated by the Director of  
11 Corrections, at the California State Prison, Sacramento.  
12 Attorney-client access for condemned inmates housed at an  
13 institution for medical or mental health treatment shall be  
14 commensurate with the institution's visiting procedures and  
15 appropriate treatment protocols.

16 (2) A condemned inmate housed in a ~~security housing unit~~  
17 *secure condemned housing* pursuant to subdivision (b) shall be  
18 returned to San Quentin State Prison at least 60 days prior to his  
19 scheduled date of execution.

20 (3) Except pursuant to the provisions of paragraph (2) of  
21 subdivision (d) of Section 5058, no more than 5 percent of the total  
22 condemned population may be rehoused pursuant to paragraph (1)  
23 of subdivision (b).

