

Assembly Bill No. 1042

Passed the Assembly August 19, 2004

Chief Clerk of the Assembly

Passed the Senate September 9, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1042, Parra. Inmates: use of pepper spray in State Department of Mental Health facilities.

Existing law generally regulates the Department of Corrections, including the imposition of various duties relating to the medical testing of prisoners.

This bill would require the State Department of Mental Health to issue pepper spray to medical technical assistants while on duty and assigned to State Department of Mental Health facilities located within state prisons.

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

SECTION 1. Title 8.5 (commencing with Section 7560) is added to Part 3 of the Penal Code, to read:

TITLE 8.5. OC PEPPER SPRAY

7560. (a) The State Department of Mental Health shall issue OC pepper spray to all medical technical assistants while on duty and assigned to State Department of Mental Health facilities located within state prisons.

(b) The OC pepper spray dispenser shall be of the same type and capacity as those used by medical technical assistants and correctional officers in Department of Corrections facilities.

(c) The State Department of Mental Health shall establish procedures for the use of OC pepper spray on inmates housed in State Department of Mental Health facilities located within state prisons. Those procedures shall permit the use of OC pepper spray by medical technical assistants in cases of self-defense or the defense of others.



Approved _____, 2004

Governor

