

AMENDED IN ASSEMBLY APRIL 1, 2004
AMENDED IN ASSEMBLY MARCH 31, 2004
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2946

Introduced by Assembly Member Goldberg

February 20, 2004

An act to add Section 4027.5 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2946, as amended, Goldberg. Inmates: county facilities: clergy access.

Existing law generally regulates the confinement and treatment of inmates in county facilities.

This bill would provide that clergy *and lay chaplains* would be allowed access to county jails ~~and~~, juvenile camps ~~and~~, ranches, *and other facilities*, as specified. ~~The bill would require county facilities to develop rules governing these activities, would~~ specify grounds for denial of access by clergy *or lay chaplains* to inmates, and would require an appeal process for denial of access, as specified.

By imposing additional duties on county correctional facilities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 4027.5 is added to the Penal Code, to
2 read:

3 4027.5. (a) Clergy and lay chaplains operating under the
4 auspices of a religious organization shall be allowed access to
5 county jails and juvenile ~~halls, camps, and ranches~~ *halls, camps,*
6 *ranches, and any state correctional facilities operated by the*
7 *Department of the Youth Authority* to provide spiritual support and
8 guidance to incarcerated persons.

9 (b) County facilities ~~shall develop rules governing the~~
10 ~~activities of clergy which ensure that clergy are not denied~~ *may not*
11 *deny clergy or lay chaplains* access to a facility because ~~he or she~~
12 ~~the clergy or lay chaplain~~ lodges a complaint about the behavior
13 of staff or of the operation of the facility or ~~because he or she~~
14 provides information to the public including the media on any
15 aspect of the operation of the ~~jail or because he or she~~ *facility or*
16 assists in efforts to modify the functioning of the ~~jail~~ *facility*.

17 (c) Clergy *or lay chaplains* shall only be denied access to
18 inmates when the inmate objects or when ~~clergy~~ *the clergy or lay*
19 *chaplains* present a clear and present danger to the safety and
20 security of the ~~institution~~ *facility* through a violation of
21 ~~institutional~~ *facility* rules.

22 (d) When a sheriff or chief probation officer or his or her
23 designee seeks to deny access to a jail, lockup, or juvenile hall,
24 camp, or ranch to a member of the clergy or lay ~~person acting~~
25 ~~under the auspices of a religious organization~~ *chaplain* he or she
26 must provide an opportunity to appeal that decision to a neutral
27 fact finder. The burden shall be on the individual seeking to deny
28 access to demonstrate that allowing access to the facility will
29 jeopardize the safety or security of the institution.



1 SEC. 2. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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