

AMENDED IN ASSEMBLY APRIL 26, 2004

AMENDED IN ASSEMBLY APRIL 20, 2004

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 10007 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would provide that clergy members would be allowed access to correctional facilities, as specified. The bill would specify grounds for denial of access by clergy members.

By imposing additional duties on local government 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 10007 is added to the Penal Code, to
2 read:

3 10007. (a) Clergy members shall be allowed access to
4 correctional facilities to provide spiritual support and guidance to
5 incarcerated persons. A correctional facility may establish
6 reasonable time, place, and manner restrictions to ensure the
7 security and efficient administration of the facility.

8 (b) Correctional facilities may not deny clergy members access
9 to a facility because the clergy member lodges a complaint about
10 the behavior of staff or of the operation of the facility ~~or provides~~
11 ~~information to the public including the media on any aspect of the~~
12 ~~operation of the facility or assists in efforts to modify the~~
13 ~~functioning of the facility.~~, *assists in efforts to modify the functions*
14 *of the facility, or provides information to the public, including the*
15 *media, on any aspect of the operation of the facility, provided the*
16 *information does not create a clear and present danger to the*
17 *safety and security of the facility, staff, inmates, or the public.*

18 (c) Clergy members shall only be denied access to ~~inmates~~
19 ~~when it appears by clear and convincing evidence that providing~~
20 ~~the clergy member with access presents an imminent risk to the~~
21 ~~safety and security of the correctional facility.~~ *the facility when the*
22 *clergy member presents a clear and present danger to the safety*
23 *and security of the facility, staff, inmates, or the public through a*
24 *violation of facility rules.*

25 (d) As used in this section, “clergy member” means a priest,
26 minister, rabbi, religious practitioner, lay chaplain, or similar
27 functionary acting under the auspices of a church, temple, mosque,
28 or other recognized religious denomination or organization.



1 (e) As used in this section, “correctional facility” means a state
2 prison, county jail, Department of the Youth Authority facility,
3 county or city operated juvenile facility, including juvenile halls,
4 camps, or schools, or other state or local correctional institution.

5 SEC. 2. Notwithstanding Section 17610 of the Government
6 Code, if the Commission on State Mandates determines that this
7 act contains costs mandated by the state, reimbursement to local
8 agencies and school districts for those costs shall be made pursuant
9 to Part 7 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the claim for
11 reimbursement does not exceed one million dollars (\$1,000,000),
12 reimbursement shall be made from the State Mandates Claims
13 Fund.

14 _____
15 CORRECTIONS
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