

**Introduced by Senators Speier and Romero**

February 19, 2004

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An act to add Section 5058.4 to the Penal Code, and to add Section 1752.5 to the Welfare and Institutions Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1431, as introduced, Speier. Department of Corrections: code of conduct.

Existing law establishes the Department of Corrections for the confinement of persons who have committed crimes. Existing law also establishes the Department of the Youth Authority for the rehabilitation of certain persons who have committed offenses when they were under 18 years of age, as specified. Existing law creates the offices of the Director of Corrections and the Director of the Youth Authority to administer institutions within the jurisdiction of these departments.

This bill would require the directors of those departments to adopt regulations imposing a schedule of sanctions for misconduct by employees. The bill would also require the directors to adopt a code of conduct, signed annually under penalty of perjury by each employee, that would clearly state, among other things, an employee's responsibility to report employee misconduct and cooperate in any investigation conducted by law enforcement, as specified. By creating a new crime, the bill would impose a state-mandated local program. The bill would also require the directors to develop a program to ensure the protection of employees who have reported improper governmental activities and who require counseling or personal protection.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 5058.4 is added to the Penal Code, to  
2 read:

3 5058.4. (a) The director shall adopt regulations imposing a  
4 schedule of sanctions for misconduct by employees. The schedule  
5 shall be effective within 90 days of the operative date of this  
6 section.

7 (b) The director shall adopt a code of conduct that shall clearly  
8 state, among other things, an employee’s responsibility to report  
9 employee misconduct, and to cooperate in any investigation  
10 conducted by local, state, or federal law enforcement agencies or  
11 their agents. The code of conduct shall specify the kinds of  
12 behavior that are prohibited. It shall be signed by each employee  
13 under penalty of perjury annually to acknowledge that the  
14 employee has read it and will abide by it. The intentional failure  
15 to sign the code of conduct shall be grounds for termination of the  
16 employee.

17 (c) The director shall develop a program to ensure the  
18 protection of employees who have reported improper  
19 governmental activities and who require counseling or personal  
20 protection.

21 SEC. 2. Section 1752.5 is added to the Welfare and  
22 Institutions Code, to read:

23 1752.5. (a) The director shall adopt regulations imposing a  
24 schedule of sanctions for misconduct by employees. The schedule  
25 shall be effective within 90 days of the operative date of this  
26 section.

27 (b) The director shall adopt a code of conduct that shall clearly  
28 state, among other things, an employee’s responsibility to report  
29 employee misconduct, and to cooperate in any investigation  
30 conducted by local, state, or federal law enforcement agencies or  
31 their agents. The code of conduct shall specify the kinds of



1 behavior that are prohibited. It shall be signed by each employee  
2 under penalty of perjury annually to acknowledge that the  
3 employee has read it and will abide by it. The intentional failure  
4 to sign the code of conduct shall be grounds for termination of the  
5 employee.

6 (c) The director shall develop a program to ensure the  
7 protection of employees who have reported improper  
8 governmental activities and who require counseling or personal  
9 protection.

10 SEC. 3. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

