

AMENDED IN SENATE AUGUST 23, 2005

AMENDED IN SENATE JUNE 15, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 627

Introduced by Assembly Member Leslie
(Coauthor: Senator Alquist)

February 17, 2005

An act to amend Section 5009 of the Penal Code, relating to parolees.

LEGISLATIVE COUNSEL'S DIGEST

AB 627, as amended, Leslie. Parole: religious advisers.

Existing law generally authorizes members of the clergy or spiritual advisers to visit inmates while in prison. Existing regulation prohibits employees of the Department of Corrections from contacting, corresponding, or otherwise communicating with an inmate or parolee, except in the execution of their assigned duties.

This bill would authorize a ~~member of the clergy or spiritual adviser~~ *departmental or volunteer chaplain* who has ministered to or advised an inmate while incarcerated to continue to minister to or advise the inmate while he or she is on parole, as long as the ~~clergy member or spiritual adviser consents, in writing, to do so~~ *chaplain so notifies the warden and the parolee's parole agent in writing.*

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

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

1 SECTION 1. Section 5009 of the Penal Code is amended to
2 read:

3 5009. (a) It is the intention of the Legislature that all
4 prisoners shall be afforded reasonable opportunities to exercise
5 religious freedom.

6 (b) (1) Except in extraordinary circumstances, upon the
7 transfer of an inmate to another state prison institution, any
8 member of the clergy or spiritual adviser who has been
9 previously authorized by the Department of Corrections to visit
10 that inmate shall be granted visitation privileges at the institution
11 to which the inmate is transferred within 72 hours of the transfer.

12 (2) Visitations by members of the clergy or spiritual advisers
13 shall be subject to the same rules, regulations, and policies
14 relating to general visitations applicable at the institution to
15 which the inmate is transferred.

16 (3) A departmental or volunteer chaplain who has ministered to
17 or advised an inmate incarcerated in state prison may, voluntarily
18 and without compensation, continue to minister to or advise the
19 inmate while he or she is on parole, provided that the
20 departmental or volunteer chaplain so notifies the warden and the
21 parolee’s parole agent in writing.

22 *(c) Nothing in this section limits the department’s ability to*
23 *prohibit a departmental chaplain from ministering to a parolee,*
24 *or to exclude a volunteer chaplain from department facilities, if*
25 *either is found to be in violation of any law or regulation and*
26 *that violation would ordinarily be grounds for adverse action or*
27 *denial of access to a facility or person under the department’s*
28 *custody.*

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