

Assembly Bill No. 627

CHAPTER 306

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

[Approved by Governor September 22, 2005. Filed with
Secretary of State September 22, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 627, 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 and Rehabilitation from contacting, corresponding, or otherwise communicating with an inmate or parolee, except in the execution of their assigned duties.

This bill would authorize a 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 chaplain so notifies the warden and the parolee's parole agent in writing.

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

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

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

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

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

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

(c) Nothing in this section limits the department's ability to prohibit a departmental chaplain from ministering to a parolee, or to exclude a volunteer chaplain from department facilities, if either is found to be in violation of any law or regulation and that violation would ordinarily be

grounds for adverse action or denial of access to a facility or person under the department's custody.

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