

ASSEMBLY BILL

No. 698

Introduced by Assembly Members Haynes and Bermudez

February 17, 2005

An act to add Section 5015 to the Penal Code, relating to media access to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 698, as introduced, Haynes. Corrections: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require representatives of the news media to be permitted to visit correctional institutions. The bill would authorize a warden to grant a request to interview an inmate, unless the warden makes certain determinations.

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 5015 is added to the Penal Code, to
2 read:
3 5015. (a) The Legislature finds and declares that visits and
4 interviews by news media representatives with correctional staff
5 and inmates fosters the public's understanding of the qualities,
6 problems, and needs of inmates and correctional institutions.
7 That understanding helps to develop community acceptance and

1 support of correctional objectives, including the objective of
2 successful reintegration of offenders into the community.

3 (b) Representatives of the news media shall be permitted to
4 visit correctional institutions. The warden of a state correctional
5 facility may grant a request of a news media representative to
6 interview an inmate, unless one of the following exists:

7 (1) The warden determines that the interview will jeopardize
8 or be detrimental to any of the following:

9 (A) The safety or order of the institution.

10 (B) The welfare of the inmate.

11 (C) The welfare of the victim, the victim's family, or the
12 community. In making a determination pursuant to this
13 subparagraph, the warden shall request input from the victim or
14 victim's family member at least five days prior to granting the
15 interview, if the victim or victim's family has previously notified
16 the warden that they wish to be contacted in the event of an
17 interview request.

18 (D) Legitimate penological objectives, including limited
19 resources.

20 (2) The inmate is confined in segregation.

21 (3) The inmate refuses to be interviewed.

22 (c) Representatives of the news media who visit correctional
23 institutions shall be subject to the same rules and regulations as
24 all other visitors, however they shall not be counted towards any
25 limits on visitors that may be imposed upon the inmate, unless
26 the media representative is also on the inmate's visiting list.

27 (d) A news media representative may photograph an inmate,
28 with the inmate's written permission. The written permission
29 shall specify the date of the photo and the proposed use of the
30 photo.

31 (e) The warden shall regulate the time, location, length, and
32 equipment used for all interviews conducted pursuant to this
33 section.