

Assembly Bill No. 2917

Passed the Assembly August 29, 2006

Chief Clerk of the Assembly

Passed the Senate August 21, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Chapter 5 (commencing with Section 3430) of Title 2 of Part 3 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2917, Liu. Inmates: female offenders.

Existing law establishes programs for female offenders. This includes a community treatment program under which certain female state prison inmates who have one or more children under 6 years of age are eligible for specified privileges, including the release of the mother and children to a facility in the community that is suitable for their needs.

This bill would make legislative findings and declarations regarding the unique needs of female state prison inmates and their families. The bill would establish a commission for 3 years to evaluate the conditions of these inmates and make findings and recommendations to the Department of Corrections and Rehabilitation so that it may develop gender responsive strategies and programs, as specified.

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

SECTION 1. Chapter 5 (commencing with Section 3430) is added to Title 2 of Part 3 of the Penal Code, to read:

CHAPTER 5. NONVIOLENT FEMALE OFFENDERS

3430. The Legislature finds and declares all of the following:

(a) Of the 166,000 individuals incarcerated in California's prisons, 11,600 are women. There are an additional 11,000 women on parole.

(b) The vast majority of female inmates are not a threat to public safety. Female inmates disproportionately commit nonviolent property or drug-related crimes. More women prisoners have been victims of violent crimes than were convicted of violent crimes.

(c) In 2005, more than two-thirds of female inmates in California prisons were serving sentences for property (35.3 percent), drug (29.9 percent) or other, nonviolent offenses (4.7 percent).

(d) Women entering prison are more likely than their male counterparts to be unemployed and uneducated, more likely to suffer from mental illness and health problems, and are more severely addicted to drugs. They are also significantly more likely to be the primary caregivers of young children.

(e) Approximately 80 percent of women in state prisons have substance abuse problems. About half had been using alcohol, drugs, or both at the time of their offense.

(f) The current correctional system fails to take into account the unique characteristics and needs of women prisoners. The state has made only minimal efforts to provide the gender-responsive strategies that experts agree are essential for female prisoners and parolees to become self-sufficient and law-abiding citizens.

(g) Correctional institutions are managed based on policies and procedures developed for the management of male prisoners.

(h) Gender differences in women's pathways to imprisonment, offense patterns, behavior while incarcerated, and their needs before, during, and after incarceration must be considered in planning appropriate correctional policies and intervention.

(i) Megaprisons, designed primarily to incapacitate and punish violent offenders, are not effective for the majority of female offenders who are nonviolent, serve short sentences, and need specific services to successfully return home.

(j) The state has taken few and minor steps to develop community-based facilities that provide gender-responsive services to incarcerated mothers with young children.

(k) Nonviolent offenders incarcerated in smaller, community correctional facilities near their children and their families with access to educational and treatment services are much more likely to successfully transition from prison to the outside world than are similar inmates in the current system.

3431. (a) There is hereby established a Gender Responsive Strategies Commission for the purpose of evaluating the conditions of female offenders in the California correctional system and making recommendations to assist the department in

developing gender responsive strategies and programs to address specific issues facing women in prison.

(b) The focus of the commission shall be to develop gender specific strategies and procedures to address and meet the needs of women, to the extent possible, including, but not limited to the following areas:

- (1) Pregnant women.
- (2) Mothers of dependent and minor children.
- (3) Women who have been victims of crime themselves.
- (4) Women requiring substance abuse treatment, mental health services, and access to adequate medical and dental care.
- (5) Poor nutritional habits and lifestyles, and lack of daily physical exercise.
- (6) Women who committed crimes to enable a domestic abuser.
- (7) Women who committed crimes in self-defense against a domestic abuser.
- (8) Elderly women prisoners.
- (9) Women who possess few or no employment skills, or who do not have a high school diploma or GED.
- (10) Women who do not receive regular visits or have strong family support while in prison.
- (11) Women who have self-worth and esteem issues, including those whose issues stem from being survivors of domestic violence.
- (12) Women who have developmental disabilities or learning disabilities.

(c) The commission shall be established and fully operational no later than January 1, 2008, and shall cease to exist as of January 1, 2011.

(d) The commission shall report its findings and recommendations annually in writing to the Secretary of the Department of Corrections and Rehabilitation, with the first report to be submitted no later than January 1, 2009. The secretary shall compile the commission's findings and recommendations into a final report to the Legislature and the Governor, to be submitted no later than March 1, 2009. At the request of any member, the report may include minority findings and recommendations.

(e) The commission shall operate under the auspices of the department and shall report any obstacles to carrying out its mission to the Inspector General.

(f) The commission shall develop and update a gender responsive written policy on the management and supervision of women offenders.

(g) The commission shall meet once every two months and shall have the authority to create subcommittees as appropriate. All meetings shall be open to the public. The first meeting shall be held no later than March 1, 2008.

3432. (a) The commission shall consist of 10 standing members. The commission shall encourage participation from a variety of stakeholders, including advocates for incarcerated women, families of incarcerated women, ex-offenders, and others. The commission shall be chaired by the Associate Director of Women's Services of the department. Reimbursement of necessary expenses may be provided at the discretion of the respective appointing authority or agency participating on the commission.

The commission shall be comprised of the following representatives or their designees:

(1) The Governor shall have six appointees: two of which shall be members of the department; two of which shall be nationally-recognized experts on gender responsive issues in corrections; one of which shall be Director of the Department of Mental Health or their designee; one of which shall be Director of the Department of Health Services or their designee.

(2) The Senate Rules Committee shall have two appointees: one of which shall be a Senator who has taken a leadership role in prison reform issues; one of which shall be a person formerly incarcerated in a female correctional facility representing a prison reform organization or an advocate from an organization supporting family members of women incarcerated under the jurisdiction of the department.

(3) The Speaker of the Assembly shall have two appointees: one of which shall be an Assembly Member who has taken a leadership role in prison reform issues; one of which shall be a person formerly incarcerated in a female correctional facility representing a prison reform organization or an advocate from an

organization supporting family members of women incarcerated under the jurisdiction of the department.

(b) All persons shall be appointed to a four-year term and may be reappointed to one additional four-year term.

(c) Commissioners will be allowed a travel per diem at a rate designated by the state. All other individuals or organizations from the community or the public are responsible for their own financial burden to participate in these meetings.

3433. (a) The commission shall identify issues relating to female inmates' quality of life and opportunities for rehabilitation by involving a diverse group of stakeholders; evaluate programs and services for female inmates; disseminate new research; and make recommendations regarding the conditions and needs of women prisoners, especially with respect to the issues listed in subdivision (b) of Section 3431.

(b) The commission shall assist the department in developing gender specific guidelines for programs, procedures, and services that meet the needs of women prisoners and are specifically focused on issues relating to health, education, economic stability, and access to consistent family and community support.

3434. This chapter shall become inoperative on March 1, 2011, and is repealed as of January 1, 2012, unless a later enacted statute that is enacted before January 1, 2012, deleted or extends those dates.

Approved _____, 2006

Governor