

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 814

Introduced by Senator Romero

February 22, 2005

An act to add Section 5072 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 814, as amended, Romero. Prisons: segregation.

Existing law vests the supervision, management, and control of the State prisons in the Director of Corrections and he or she is responsible for prescribing the rules and regulations in the administration of the state prisons.

This bill would prohibit ~~the consideration of~~ race or ethnicity *from being the sole or primary consideration* when assigning inmates to cells or housing within the Department of Corrections.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The United States Supreme Court struck down racial
- 4 segregation in *Brown v. Board of Education* in 1954, finding that
- 5 separate but equal was inherently unequal and had no place in the
- 6 fabric of American society.
- 7 (b) Fifty years later, Garrison Johnson, an inmate of the
- 8 California Department of Corrections, filed suit against the State
- 9 of California for its practice of racially segregating inmates in

1 California prisons for 60 days upon arrival at the reception
2 center, and for 15 days upon transfer to another facility.

3 (c) The United~~State~~ *States* Supreme Court, on February 23,
4 2005, declared that prisons may not temporarily segregate
5 inmates by skin color except under the most extraordinary
6 circumstances.

7 (d) Because receiving and housing inmates is not an
8 extraordinary circumstance, but a daily aspect of prison life,
9 racial classifications should not be used on inmates. This bill
10 demonstrates the continued desire of the State of California to
11 move to an integrated society in which a person, whether or not
12 he or she is an inmate, is judged on his or her record and not the
13 color of his *or her* skin.

14 SEC. 2. Section 5072 is added to the Penal Code, to read:

15 5072. Race and ethnicity shall not be ~~considered when~~
16 ~~assigning an inmate to an initial or permanent~~ *the sole or primary*
17 *basis for cell or housing placement.*