

AMENDED IN ASSEMBLY JULY 3, 2007
AMENDED IN ASSEMBLY JUNE 11, 2007
AMENDED IN SENATE APRIL 16, 2007

SENATE BILL

No. 655

Introduced by Senator Margett

February 22, 2007

An act to add Section 4575 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

SB 655, as amended, Margett. Inmates: prohibited items.

Existing law prohibits possession or use of tobacco products by inmates under the jurisdiction of the Department of Corrections and Rehabilitation, as specified.

Existing law generally regulates the conditions of incarceration for prisoners in a local correctional facility.

This bill would provide that the unauthorized possession of a wireless communication device, as specified, by a person in a local correctional facility is a misdemeanor, punishable by a fine of not more than \$1,000. Because this bill would create a new crime, this bill would impose a state-mandated local program.

This bill would also provide that possession of tobacco products, as specified, by a person in a local correctional facility is an infraction punishable by a fine not exceeding \$250 if that facility is located in a county in which the board of supervisors has adopted an ordinance or passed a resolution banning tobacco in its correctional facilities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 4575 is added to the Penal Code, to read:
2 4575. (a) Any person in a local correctional facility who
3 possesses a wireless communication device, including, but not
4 limited to, a cellular telephone, pager, or wireless Internet device,
5 who is not authorized to possess that item is guilty of a
6 misdemeanor, punishable by a fine of not more than one thousand
7 dollars (\$1,000).
8 (b) Any person *housed* in a local correctional facility who
9 possesses any tobacco products in any form, including snuff
10 products, smoking paraphernalia, any device that is intended to be
11 used for ingesting or consuming tobacco, or any container or
12 dispenser used for any of those products, is guilty of an infraction,
13 punishable by a fine not exceeding two hundred fifty dollars
14 (\$250).
15 (c) Money collected pursuant to this section shall be placed into
16 the inmate welfare fund, as specified in Section 4025.
17 (d) Subdivision (b) shall only apply to a person in a local
18 correctional facility in a county in which the board of supervisors
19 has adopted an ordinance or passed a resolution banning tobacco
20 in its correctional facilities.
21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

O