

AMENDED IN SENATE JUNE 22, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1487

Introduced by Assembly Member Hill

February 27, 2009

An act to amend ~~Section 4011.2~~ *Sections 4011.2 and 4025* of the Penal Code, relating to inmate medical costs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1487, as amended, Hill. Inmate medical expenses.

Under existing law, a sheriff, chief or director of corrections, or a chief of police is authorized to charge a fee in the amount of \$3 for each inmate-initiated medical visit of an inmate confined in a county or city jail who has money in his or her personal account. Existing law authorizes the medical provider to waive the fee, requires the medical provider to waive the fee in any life-threatening or emergency situation, as defined, exempts followup medical visits from the fee, and requires all moneys received pursuant to this provision to be transferred to the county or city general fund.

Existing law requires that the above fee be charged to the inmate's account at his or her respective facility and prohibits a denial of medical care to an inmate because of a lack of funds in that account.

This bill would increase the above fee to \$6. The bill would require that any amount collected for an inmate-initiated medical visit in excess of \$3 be placed into the county inmate welfare fund.

Existing law provides that the sheriff of each county may maintain an inmate welfare fund to be kept in the treasury of the county into

which profit from a store operated in connection with the county jail, 10% of all gross sales of inmate hobbycraft, and any rebates or commissions received from a telephone company, as specified, is required to be deposited. Existing law authorizes the sheriff to expend money from the fund to pay for the benefit, education, and welfare of the inmates, as well as maintenance costs, as specified, if those funds are not needed for the welfare of the inmates.

The bill would require that the money deposited in the inmate welfare fund pursuant to this bill be expended by the sheriff only for the benefit and education of the inmates, as specified.

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 4011.2 of the Penal Code is amended to
- 2 read:
- 3 4011.2. (a) Notwithstanding Section 4011.1, a sheriff, chief
- 4 or director of corrections, or chief of police is authorized to charge
- 5 a fee in the amount of six dollars (\$6) for each inmate-initiated
- 6 medical visit of an inmate confined in a county or city jail.
- 7 (b) The fee shall be charged to the inmate’s personal account
- 8 at the facility. If the inmate has no money in his or her personal
- 9 account, there shall be no charge for the medical visit.
- 10 (c) An inmate shall not be denied medical care because of a
- 11 lack of funds in his or her personal account at the facility.
- 12 (d) The medical provider may waive the fee for any
- 13 inmate-initiated treatment and shall waive the fee in any
- 14 life-threatening or emergency situation, defined as those health
- 15 services required for alleviation of severe pain or for immediate
- 16 diagnosis and treatment of unforeseen medical conditions that if
- 17 not immediately diagnosed and treated could lead to disability or
- 18 death.
- 19 (e) Followup medical visits at the direction of the medical staff
- 20 shall not be charged to the inmate.
- 21 (f) Moneys received by a sheriff, chief or director of corrections,
- 22 or chief of police pursuant to this section shall be distributed as
- 23 follows:
- 24 (1) The first three dollars (\$3) collected for an inmate-initiated
- 25 medical visit shall be transferred to the county or city general fund.

1 (2) Any amount over three dollars (\$3) collected for an
2 inmate-initiated medical visit shall be placed into the inmate
3 welfare fund created pursuant to Section 4025.

4 *SEC. 2. Section 4025 of the Penal Code is amended to read:*

5 4025. (a) The sheriff of each county may establish, maintain
6 and operate a store in connection with the county jail and for this
7 purpose may purchase confectionery, tobacco and tobacco users'
8 supplies, postage and writing materials, and toilet articles and
9 supplies and sell these goods, articles, and supplies for cash to
10 inmates in the jail.

11 (b) The sale prices of the articles offered for sale at the store
12 shall be fixed by the sheriff. Any profit shall be deposited in an
13 inmate welfare fund to be kept in the treasury of the county.

14 (c) There shall also be deposited in the inmate welfare fund 10
15 percent of all gross sales of inmate hobbycraft.

16 (d) There shall be deposited in the inmate welfare fund any
17 money, refund, rebate, or commission received from a telephone
18 company or pay telephone provider when the money, refund,
19 rebate, or commission is attributable to the use of pay telephones
20 which are primarily used by inmates while incarcerated.

21 (e) The money and property deposited in the inmate welfare
22 fund shall be expended by the sheriff primarily for the benefit,
23 education, and welfare of the inmates confined within the jail. Any
24 funds that are not needed for the welfare of the inmates may be
25 expended for the maintenance of county jail facilities. Maintenance
26 of county jail facilities may include, but is not limited to, the salary
27 and benefits of personnel used in the programs to benefit the
28 inmates, including, but not limited to, education, drug and alcohol
29 treatment, welfare, library, accounting, and other programs deemed
30 appropriate by the sheriff. Inmate welfare funds shall not be used
31 to pay required county expenses of confining inmates in a local
32 detention system, such as meals, clothing, housing, or medical
33 services or expenses, except that inmate welfare funds may be
34 used to augment those required county expenses as determined by
35 the sheriff to be in the best interests of inmates. An itemized report
36 of these expenditures shall be submitted annually to the board of
37 supervisors.

38 (f) *Notwithstanding any other provision in this section, the*
39 *money deposited into the inmate welfare fund pursuant to Section*
40 *4011.2 shall be expended by the sheriff only for the benefit and*

1 *education of the inmates confined within the jail. These services*
2 *and programs may include education, drug and alcohol treatment,*
3 *library, and other service oriented or educational programs*
4 *deemed appropriate by the sheriff, including reentry assistance*
5 *services pursuant to Section 4025.5.*

6 ~~(f)~~

7 (g) The operation of a store within any other county adult
8 detention facility which is not under the jurisdiction of the sheriff
9 shall be governed by the provisions of this section, except that the
10 board of supervisors shall designate the proper county official to
11 exercise the duties otherwise allocated in this section to the sheriff.

12 ~~(g)~~

13 (h) The operation of a store within any city adult detention
14 facility shall be governed by the provisions of this section, except
15 that city officials shall assume the respective duties otherwise
16 outlined in this section for county officials.

17 ~~(h)~~

18 (i) The treasurer may, pursuant to Article 1 (commencing with
19 Section 53600), or Article 2 (commencing with Section 53630) of
20 Chapter 4 of Part 1 of Division 2 of Title 5 of the Government
21 Code, deposit, invest, or reinvest any part of the inmate welfare
22 fund, in excess of that which the treasurer deems necessary for
23 immediate use. The interest or increment accruing on these funds
24 shall be deposited in the inmate welfare fund.

25 ~~(i)~~

26 (j) The sheriff may expend money from the inmate welfare fund
27 to provide indigent inmates, prior to release from the county jail
28 or any other adult detention facility under the jurisdiction of the
29 sheriff, with essential clothing and transportation expenses within
30 the county or, at the discretion of the sheriff, transportation to the
31 inmate’s county of residence, if the county is within the state or
32 within 500 miles from the county of incarceration. This subdivision
33 does not authorize expenditure of money from the inmate welfare
34 fund for the transfer of any inmate to the custody of any other law
35 enforcement official or jurisdiction.