

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2391**

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**Introduced by Assembly Member Torrico**

February 19, 2010

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~~An act to amend Section 5006 of the Penal Code, relating to corrections.~~ *An act to add Section 3052.5 to the Penal Code, relating to parole.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2391, as amended, Torrico. ~~Corrections: Inmate Welfare Fund: audit reports.~~ *Parole.*

*Existing law generally regulates the granting and conditioning of parole, and places the duty to monitor parolees on the Department of Corrections and Rehabilitation, Division of Adult Parole Operations.*

*This bill would require the Department of Corrections and Rehabilitation to classify parolees into a 5-tiered parole supervision system, as specified. The bill would require the department to allocate available supervision resources consistent with meeting the supervision requirements of all 5 tiers.*

~~Existing law requires all moneys held for the benefit of prisoners to be deposited in the Inmate Welfare Fund of the Department of Corrections and Rehabilitation to be used for the benefit, education, and welfare of inmates of prisons and institutions of the department, including for certain expenses relating to inmate canteens and hobby shops. All net proceeds from the operation of canteens and hobby shops and any moneys which may be assigned to the state prison by prisoners for deposit in the fund are required to be deposited in the Inmate Welfare Fund. Existing law requires the Department of Finance to conduct a~~

biennial audit of the Inmate Welfare Fund to include an audit report which summarizes expenditures from the fund by major categories, and requires at least one copy of any statement of operations or audit report to be placed in each library maintained by the department and be available to any inmate.

~~This bill would require each audit report to also be submitted to the Legislature.~~

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. Section 3052.5 is added to the Penal Code, to  
2 read:

3 3052.5. (a) Upon the granting of parole, the Department of  
4 Corrections and Rehabilitation shall classify each parolee in one  
5 of the following five tiers:

6 (1) Tier 1 parolees are those who have two strikes against them,  
7 parolees who are on parole pursuant to the conviction of a sex  
8 offense, and parolees participating in an enhanced outpatient  
9 program.

10 (2) Tier 2 parolees are those who are on parole pursuant to the  
11 conviction of high drug, high property, or high violence crimes  
12 and who have been assessed with a validated risk assessment tool  
13 score of medium or high.

14 (3) Tier 3 parolees are those who are not classifiable as Tier  
15 1, 2, 4, or 5 parolees pursuant to this section.

16 (4) Tier 4 parolees are those pending revocation and parolees  
17 in custody including, parolees participating in a jail-based  
18 in-custody drug treatment program, civil addicts pending  
19 discharge, and gravely ill parolees.

20 (5) Tier 5 parolees are those who are on nonrevocable parole  
21 pursuant to Section 3000.03 of the Penal Code.

22 (b) The department shall allocate available supervision  
23 resources consistent with meeting the supervision requirements  
24 of all five tiers specified in this section.

25 SECTION 1. ~~Section 5006 of the Penal Code is amended to~~  
26 read:

27 5006. ~~All moneys now held for the benefit of prisoners~~  
28 ~~including that known as the Inmate Canteen Fund of the California~~

1 Institution for Men, and the Inmate Welfare Fund of the California  
2 Institution for Women, and the Trust Contingent Fund of the State  
3 Prison at Folsom, and the S.P.L. Commissary, Canteen Account,  
4 Hobby Association, Camp Account, Library Fund, News Agency  
5 of the State Prison at San Quentin, the Prisoners' Fund, and the  
6 Prisoners' Employment Fund, shall be deposited in the Inmate  
7 Welfare Fund of the Department of Corrections and Rehabilitation,  
8 in the State Treasury, which fund is hereby created. The money  
9 in the fund shall be used for the benefit, education, and welfare of  
10 inmates of prisons and institutions under the jurisdiction of the  
11 Department of Corrections and Rehabilitation, including, but not  
12 limited to, the establishment, maintenance, employment of  
13 personnel for, and purchase of items for sale to inmates at canteens  
14 maintained at the state institutions, and for the establishment,  
15 maintenance, employment of personnel and necessary expenses  
16 in connection with the operation of the hobby shops at institutions  
17 under the jurisdiction of the Department of Corrections and  
18 Rehabilitation.

19 There shall be deposited in the Inmate Welfare Fund all net  
20 proceeds from the operation of canteens and hobby shops and any  
21 moneys which may be assigned to the state prison by prisoners for  
22 deposit in the fund. The moneys in the fund shall constitute a trust  
23 held by the Secretary of the Department of Corrections and  
24 Rehabilitation for the benefit and welfare as herein defined of all  
25 of the inmates of institutions and prisons under the jurisdiction of  
26 the Department of Corrections and Rehabilitation.

27 The Department of Finance shall conduct a biennial audit of the  
28 Inmate Welfare Fund to include an audit report which shall  
29 summarize expenditures from the fund by major categories. At the  
30 end of each intervening fiscal year, a statement of operations shall  
31 be prepared which shall contain the same information as would  
32 be provided in the biennial audit. At least one copy of any  
33 statement of operations or audit report shall be placed in each  
34 library maintained by the Department of Corrections and  
35 Rehabilitation and shall be available there to any inmate. Each  
36 audit report shall also be submitted to the Legislature.

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