

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1270

Introduced by Assembly Member Ammiano

February 18, 2011

An act relating to peace officers to add Section 6357 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1270, as amended, Ammiano. ~~Peace officers: citizen review commissions.~~ *Prisons: media access.*

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

~~Existing law requires each agency that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these agencies and to make a written description of the procedure available to the public.~~

~~This bill would declare the intent of the Legislature to enact legislation to establish guiding principles for the development and operation of citizen peace officer review commissions.~~

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

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

1 *SECTION 1. Section 6357 is added to the Penal Code, to read:*

2 6357. (a) *The Department of Corrections and Rehabilitation,*
3 *upon reasonable notice, shall permit representatives of the news*
4 *media to interview prisoners in person, including prearranged*
5 *interviews with specified prisoners and individuals encountered*
6 *by a representative of the news media while covering a facility*
7 *tour, activity, event, or program.*

8 (b) *During any interview with a prisoner, a representative of*
9 *the news media may use materials and equipment necessary to*
10 *conduct the interview, including, but not limited to, pens, pencils,*
11 *papers, and audio and video recording devices. These items shall*
12 *be subject to search for the purpose of protecting against an*
13 *immediate and direct threat to the security of the institution.*

14 (c) *A news media representative who desires to conduct a*
15 *prearranged interview at an institution shall make the request*
16 *within a reasonable time period prior to the requested interview*
17 *in writing to the warden or through contact with the institution's*
18 *public relations office.*

19 (d) *Staff shall notify an inmate of each interview request, and*
20 *no interview shall be permitted without the inmate's consent.*

21 (e) *An inmate may not receive compensation or anything of*
22 *value for interviews with the news media.*

23 (f) *The warden or the warden's designated public relations or*
24 *custodial official shall, within 48 hours of receiving an interview*
25 *request, notify the news media representative making the request*
26 *whether the interview has been granted.*

27 (g) *After the warden or the warden's designated public relations*
28 *or custodial official grants a request for an interview, staff shall,*
29 *at least two business days prior to the interview, notify any victims*
30 *of the inmate who have previously notified the warden or*
31 *Department of Corrections and Rehabilitation that they wish to*
32 *be contacted in the event of an interview request that an interview*
33 *has been granted.*

34 (h) *The warden or his or her designee may deny an interview*
35 *with a particular prisoner if it is determined that the interview*
36 *would pose an immediate and direct threat to the security of the*
37 *institution or the physical safety of a member of the public. Within*
38 *a reasonable period of time, the representative of the news media*

1 shall receive an explanation of the specific reasons for the denial.
2 In order to ensure the security of the institution, the physical safety
3 of the public, and the efficient administration of news media
4 interviews, the department may establish reasonable time, place,
5 and manner restrictions for prison interviews, including limitations
6 on the number of interviews per prisoner in a specified time period,
7 limitations on the amount of audio, video, and film equipment
8 entering the facility for the interview, and arrangements for pool
9 interviews if the number of journalists requesting to interview any
10 one prisoner is excessive.

11 (i) No prisoner or parolee may have his or her visitation limited
12 or revoked because of a visit or potential visit from a representative
13 of the news media, nor may a prisoner or parolee be punished,
14 reclassified, disciplined, transferred to another prison against his
15 or her wishes, or otherwise retaliated against, for participating
16 in a visit by, or communicating with, a representative of the news
17 media.

18 (j) Interviews shall not be subject to auditory monitoring.

19 (k) For the purposes of this section, “representative of the news
20 media” means a journalist who works for, or is under contract to,
21 a newspaper, magazine, wire service, book publisher, or radio or
22 television program, or station or who, through press passes issued
23 by a governmental or police agency, or through similar convincing
24 means, can demonstrate that he or she is a bona fide journalist
25 engaged in the gathering of information for distribution to the
26 public.

27 ~~SECTION 1. It is the intent of the Legislature to enact~~
28 ~~legislation to establish guiding principles for the development and~~
29 ~~operation of citizen peace officer review commissions.~~