

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1562

Introduced by Assembly Member Jeffries

January 30, 2012

An act to amend Section 2780 of the Penal Code, and to add Chapter 2 (commencing with Section 4965) to Part 4 of Division 4 of the Public Resources Code, relating to inmate fire crews.

LEGISLATIVE COUNSEL'S DIGEST

AB 1562, as amended, Jeffries. Fire prevention and suppression: county inmate fire crews.

Existing law declares the existence of the California Conservation Camp program which establishes camps for the purpose of receiving prisoners and wards committed to the Department of Corrections and Rehabilitation and the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, to perform fire prevention, fire control, and other work. Existing law authorizes the various agencies concerned with conservation projects to enter into contracts as may be necessary for these purposes.

This bill would authorize the Department of Forestry and Fire Protection to enter into contracts with *those counties in which the Department of Forestry and Fire Protection currently operates inmate fire camps* to establish county inmate fire crews that would utilize county jail inmates for the purposes of fire prevention and suppression. The bill would require that county jail inmates remain under the constructive custody and control of their respective county correctional facilities, or an agreed-upon multicounty correctional facility, while participating in the inmate fire crew.

The bill would authorize work performed by inmate fire crews to be coordinated with the efforts of conservation camps, provided that the county would remain solely responsible for providing health and medical care to each county inmate participating in the fire crew. The bill would state that its provisions are severable.

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. (a) The Legislature finds and declares the
2 following:

3 (1) The use of California inmate fire crews is recognized as an
4 important rehabilitation opportunity for eligible inmates of the
5 Department of Corrections and Rehabilitation.

6 (2) The partnership and participation of the Department of
7 Forestry and Fire Protection staff, *and, in some counties, local fire*
8 *department staff*, in the coordination, operation, and supervision
9 of the Department of Corrections and Rehabilitation prison inmate
10 rehabilitation program is a vital component of the program's
11 success.

12 (3) Due to the criminal justice realignment of 2011, many
13 inmates who would have otherwise been eligible to participate in
14 inmate fire crews as state prison inmates will instead serve their
15 sentences in county jails.

16 (b) Accordingly, it is the intent of the Legislature that, pursuant
17 to the following, counties *in which the Department of Forestry*
18 *and Fire Protection currently operates inmate fire camps* be
19 authorized to enter into contracts with the Department of Forestry
20 and Fire Protection in order to *continue operations and to utilize*
21 inmate fire crew programs as part of their inmate rehabilitation
22 efforts.

23 SEC. 2. Section 2780 of the Penal Code is amended to read:

24 2780. (a) Any department, division, bureau, commission or
25 other agency of the State of California or the federal government
26 may use or cause to be used convicts confined in the state prisons
27 to perform work necessary and proper to be done by them at
28 permanent, temporary, and mobile camps to be established under
29 this article. The secretary may enter into contracts for the purposes
30 of this article.

1 (b) The Department of Forestry and Fire Protection may enter
2 into contracts with *those counties in which the Department of*
3 *Forestry and Fire Protection currently operates inmate fire camps*
4 to establish county inmate fire crews pursuant to Chapter 2
5 (commencing with Section 4965) of Part 4 of Division 4 of the
6 Public Resources Code.

7 SEC. 3. Chapter 2 (commencing with Section 4965) is added
8 to Part 4 of Division 4 of the Public Resources Code, to read:

9
10 CHAPTER 2. COUNTY INMATE FIRE CREWS

11
12 4965. The Department of Forestry and Fire Protection may
13 enter into contracts with *those counties in which the Department*
14 *of Forestry and Fire Protection currently operates inmate fire*
15 *camps* to establish county inmate fire crews utilizing county jail
16 inmates for the purposes of fire prevention and suppression.

17 4967. (a) Inmates utilized in county inmate fire crews pursuant
18 to contracts entered into pursuant to Section 4965 remain county
19 jail inmates for all purposes. Inmates utilized in county inmate fire
20 crews shall remain in the constructive custody and control of their
21 respective county correctional facilities, or an agreed-upon
22 multicounty correctional facility, while participating in inmate fire
23 crews.

24 (b) Subject to subdivision (a), work performed by county inmate
25 fire crews established pursuant to Section 4965 may be coordinated
26 with the efforts of conservation camps established pursuant to
27 Chapter 1 (commencing with Section 4951), provided that the
28 county remains solely responsible for providing health and medical
29 care to each county jail inmate participating in the fire crew.

30 SEC. 4. The provisions of this act are severable. If any
31 provision of this act or its application is held invalid, that invalidity
32 shall not affect other provisions or applications that can be given
33 effect without the invalid provision or application.