

AMENDED IN SENATE JUNE 28, 2012

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2357**

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**Introduced by Assembly Member Galgiani**

February 24, 2012

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An act to amend, *repeal, and add* Section 2690 of the Penal Code, relating to inmates, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2357, as amended, Galgiani. Inmates: temporary removal.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to temporarily remove any inmate from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections and Rehabilitation, including, but not limited to, removal for the purpose of attending college classes. Existing law provides that, unless the inmate is removed for medical treatment, the removal shall not be for a period longer than 3 days. Existing law also authorizes the secretary to require the inmate to reimburse the state, in whole or in part, for expenses incurred by the state in connection with the temporary removal, other than for medical treatment.

This bill would, *until January 1, 2013*, additionally authorize the Secretary of the Department of Corrections and Rehabilitation to temporarily remove any inmate from prison or any other institution for

the detention of adults under the jurisdiction of the department for the purpose of permitting the inmate to participate in or assist with the gathering of evidence relating to crimes, and would, *until January 1, 2013*, authorize the secretary to require, except when the removal is for medical treatment or to assist with the gathering of evidence relating to crimes, the inmate to reimburse the state for its reasonable expenses incurred in connection with the temporary removal. The bill would also make technical changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 2690 of the Penal Code is amended to  
 2 read:  
 3 2690. (a) The Secretary of the Department of Corrections and  
 4 Rehabilitation may authorize the temporary removal of any inmate  
 5 from prison or any other institution for the detention of adults  
 6 under the jurisdiction of the Department of Corrections and  
 7 Rehabilitation, including, but not limited to, removal for the  
 8 purpose of attending college classes or permitting the inmate to  
 9 participate in or assist with the gathering of evidence relating to  
 10 crimes. The secretary may require that the temporary removal be  
 11 under custody. Unless the inmate is removed for medical treatment,  
 12 the removal shall not be for a period longer than three days. The  
 13 secretary may require, except when the removal is for medical  
 14 treatment or to assist with the gathering of evidence relating to  
 15 crimes, the inmate to reimburse the state, in whole or in part, for  
 16 the reasonable expenses incurred by the state in connection with  
 17 the temporary removal.  
 18 (b) *This section shall remain in effect only until January 1, 2013,*  
 19 *and as of that date is repealed, unless a later enacted statute, that*  
 20 *is enacted before January 1, 2013, deletes or extends that date.*  
 21 SEC. 2. Section 2690 is added to the Penal Code, to read:  
 22 2690. (a) *The Secretary of the Department of Corrections and*  
 23 *Rehabilitation may authorize the temporary removal of any inmate*  
 24 *from prison or any other institution for the detention of adults*  
 25 *under the jurisdiction of the Department of Corrections and*

1 *Rehabilitation, including removal for the purpose of attending*  
2 *college classes. The secretary may require that the temporary*  
3 *removal be under custody. Unless the inmate is removed for*  
4 *medical treatment, the removal shall not be for a period longer*  
5 *than three days. The secretary may require the inmate to reimburse*  
6 *the state, in whole or in part, for expenses incurred by the state in*  
7 *connection with the temporary removal other than for medical*  
8 *treatment.*

9 *(b) This section shall become operative on January 1, 2013.*

10 ~~SEC. 2.~~

11 *SEC. 3.* This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety within  
13 the meaning of Article IV of the Constitution and shall go into  
14 immediate effect. The facts constituting the necessity are:

15 In order to enable law enforcement agencies to obtain important  
16 evidence regarding serious crimes, including murder and kidnaping,  
17 from inmates as soon as possible, it is necessary that this act take  
18 effect immediately.