

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2587

Introduced by Assembly Member Knight

February 24, 2012

~~An act to amend Section 836.6 of the Penal Code, relating to crime.~~
An act to add Section 7007 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, as amended, Knight. ~~Crime: escape.~~ *Correctional facility construction: local agreements.*

Existing law charges the Department of Corrections and Rehabilitation with the responsibility of planning and constructing state correctional facilities. The Department of Corrections and Rehabilitation is headed by the Secretary of the Department of Corrections and Rehabilitation. Existing law authorizes the secretary to enter into a long-term agreement not to exceed 20 years with a city, county, or city and county to place parole violators and other state inmates in a specified facility.

This bill would authorize the secretary to enter into a long-term agreement not to exceed 25 years, with a city, county, or city and county to finance and build a state prison facility, as specified, for the incarceration of medium and maximum security inmates. The bill would require such a facility to be staffed by the Department of Corrections and Rehabilitation and the bill would require incarcerated inmates to be subject to the rules and regulations of the secretary. The bill would require the secretary to take certain factors into consideration in determining the reimbursement rate for a long-term agreement with a local jurisdiction and would require the payment to include a specified

service fee component. The bill would authorize the secretary to contract with a local jurisdiction for the maintenance of the facility.

~~Existing law makes it unlawful for any person who has been lawfully arrested by any peace officer and who knows, or by the exercise of reasonable care should have known, that he or she has been lawfully arrested by a peace officer, to thereafter escape or attempt to escape from that peace officer. A person who violates this provision is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year. If the escape or attempted escape is by force or violence, and the person proximately causes a peace officer serious bodily injury, existing law requires that the person be punished by imprisonment in a county jail for 2, 3, or 4 years, as specified, or by imprisonment in a county jail not to exceed one year.~~

~~This bill would make technical, nonsubstantive changes to the provision making it unlawful for any person who has been lawfully arrested by any peace officer and who knows, or by the exercise of reasonable care should have known, that he or she has been lawfully arrested by that peace officer, to thereafter escape or attempt to escape from that peace officer.~~

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 7007 is added to the Penal Code, to read:
- 2 7007. (a) Notwithstanding any other provision of law, the
- 3 Secretary of the Department of Corrections and Rehabilitation
- 4 may enter into a long-term agreement not to exceed 25 years, with
- 5 a city, county, or city and county to finance and build a state prison
- 6 facility for the incarceration of medium and maximum security
- 7 inmates. The facility shall meet the specifications of the secretary.
- 8 (b) A facility erected pursuant to this section shall be staffed by
- 9 employees of the Department of Corrections and Rehabilitation.
- 10 (c) In determining the reimbursement rate pursuant to an
- 11 agreement entered into pursuant to this section, the secretary shall
- 12 take into consideration the cost incurred by the city, county, or
- 13 city and county for the financing and construction of the facility,
- 14 and any other factors that are necessary and appropriate to fix
- 15 the obligations, responsibilities, and rights of the respective parties.
- 16 The payment to the city, county, or city and county shall include

1 *a service fee component which takes into consideration the*
2 *investment, risk, and assistance of the city, county, or city and*
3 *county in siting, financing, and constructing the facility.*

4 *(d) Inmates incarcerated at a facility erected pursuant to this*
5 *section, shall be subject, at all times, to the rules and regulations*
6 *of the department, and the facility constructed pursuant to this*
7 *section, shall in all respects be a state prison facility.*

8 *(e) The secretary, in his or her discretion, may elect to contract*
9 *with the city, county, or city and county to maintain the facility,*
10 *including maintaining the fixtures and improvements which*
11 *comprise the facility.*

12 ~~SECTION 1. Section 836.6 of the Penal Code is amended to~~
13 ~~read:~~

14 ~~836.6. (a) It is unlawful for any person who is remanded by a~~
15 ~~magistrate or judge of any court in this state to the custody of a~~
16 ~~sheriff, marshal, or other police agency, to thereafter escape or~~
17 ~~attempt to escape from that custody.~~

18 ~~(b) It is unlawful for any person who has been lawfully arrested~~
19 ~~by any peace officer and who knows, or by the exercise of~~
20 ~~reasonable care should have known, that he or she has been~~
21 ~~lawfully arrested by that peace officer, to thereafter escape or~~
22 ~~attempt to escape from that peace officer.~~

23 ~~(c) Any person who violates subdivision (a) or (b) is guilty of~~
24 ~~a misdemeanor, punishable by imprisonment in a county jail not~~
25 ~~to exceed one year. However, if the escape or attempted escape is~~
26 ~~by force or violence, and the person proximately causes a peace~~
27 ~~officer serious bodily injury, the person shall be punished by~~
28 ~~imprisonment pursuant to subdivision (h) of Section 1170 for two,~~
29 ~~three, or four years, or by imprisonment in a county jail not to~~
30 ~~exceed one year.~~