

AMENDED IN ASSEMBLY APRIL 12, 2012

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 add Section 7007 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, as amended, Knight. 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~~ *the City of Adelanto* 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~~ *the* 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~~ *the City of Adelanto* and would

require the payment to include a specified service fee component. The bill would authorize the secretary to contract with ~~a local jurisdiction~~ *the City of Adelanto* for the maintenance of the facility.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Adelanto.

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 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~~ *the City of Adelanto* to finance
- 6 and build a state prison facility for the incarceration of medium
- 7 and maximum security inmates. The facility shall meet the
- 8 specifications of the secretary.
- 9 (b) A facility erected pursuant to this section shall be staffed by
- 10 employees of the Department of Corrections and Rehabilitation.
- 11 (c) In determining the reimbursement rate pursuant to an
- 12 agreement entered into pursuant to this section, the secretary shall
- 13 take into consideration the cost incurred by the ~~city, county, or~~
- 14 ~~city and county~~ for the financing and construction of the facility,
- 15 and any other factors that are necessary and appropriate to fix the
- 16 obligations, responsibilities, and rights of the respective parties.
- 17 The payment to the ~~city, county, or city and county~~ *City of Adelanto*
- 18 shall include a service fee component ~~which~~ *that* takes into
- 19 consideration the investment, risk, and assistance of the city,
- 20 ~~county, or city and county~~ in siting, financing, and constructing
- 21 the facility.
- 22 (d) Inmates incarcerated at a facility erected pursuant to this
- 23 section, shall be subject, at all times, to the rules and regulations
- 24 of the department, and the facility constructed pursuant to this
- 25 section, shall in all respects be a state prison facility.
- 26 (e) The secretary, in his or her discretion, may elect to contract
- 27 with the ~~city, county, or city and county~~ *City of Adelanto* to
- 28 maintain the facility, including maintaining the fixtures and
- 29 improvements which comprise the facility.

1 *SEC. 2. The Legislature finds and declares that a special law*
2 *is necessary and that a general law cannot be made applicable*
3 *within the meaning of Section 16 of Article IV of the California*
4 *Constitution because of the unique circumstances in the City of*
5 *Adelanto that allow for needed prison construction to begin in a*
6 *timely manner.*

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