

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE MAY 24, 2011

AMENDED IN SENATE MAY 10, 2011

SENATE BILL

No. 139

Introduced by Senator Alquist

January 31, 2011

An act to add Sections 5040 and 6134 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 139, as amended, Alquist. Corrections: Inspector General.

Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities, including conducting audits of, and reviewing the policies and procedures of, the Department of Corrections and Rehabilitation. Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties and responsibilities related to inmates housed in state prisons.

This bill would authorize the Inspector General, or its successor, to oversee, and the Department of Corrections and Rehabilitation to oversee and conduct, periodic and random searches of employees and vendors entering the secure perimeter of a state prison under the jurisdiction of the department for contraband, and require the department to report to the Inspector General and the Legislature quarterly regarding those searches, as specified.

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 5040 is added to the Penal Code, to read:
2 5040. (a) (1) The Department of Corrections and
3 Rehabilitation shall oversee and conduct periodic and random
4 searches of employees and vendors entering the secure perimeter
5 of a state prison under the jurisdiction of the department for
6 contraband. These searches shall include random searches of
7 property, personal or otherwise, brought into the prison by those
8 individuals. The department shall provide the Inspector General
9 with no less than ~~24 hours~~² *five working days*' notice prior to the
10 dates of those random searches the department plans to conduct.
11 (2) *The searches shall be conducted at each institution at least*
12 *once per month. However, the secretary, or his or her designee,*
13 *may cancel a search at an institution in a given month provided*
14 *both of the following criteria are met:*
15 (A) *For every canceled search at an institution per month, an*
16 *additional search shall be conducted at another institution within*
17 *that same month.*
18 (B) *No institution may go three consecutive months without a*
19 *search.*
20 (b) (1) The department shall provide a written report to the
21 Legislature and the Inspector General at least quarterly detailing
22 the following:
23 (A) The names of the prisons where the searches took place.
24 (B) The dates of the searches.
25 (C) The shifts during which the searches took place.
26 (D) The number of employees searched.
27 (E) The number of vendors searched.
28 (F) The number of cell phones discovered.
29 (G) The number of items of portable computer equipment found,
30 including, but not limited to, iPods, MP3 players, DVD players,
31 CD players, CDs, and portable video game players.
32 (H) Tobacco products found.
33 (I) Illegal substances found, listed by type of substance.
34 (2) The report shall include a general comment section for use
35 by the Inspector General and the department to discuss the issues
36 they find relevant to the searches and shall include a section
37 detailing the actions taken as a result of the discovery of contraband

1 possessed by an employee or vendor and the results of any
2 disciplinary process resulting from the discovery of contraband.

3 (c) The reports to be submitted pursuant to subdivision (b) shall
4 be submitted in compliance with Section 9795 of the Government
5 Code.

6 SEC. 2. Section 6134 is added to the Penal Code, to read:

7 6134. The Inspector General, or its successor, may oversee, at
8 a minimum, the department's search of one staff shift per year at
9 each adult institution, in order to ensure the integrity of the process
10 and of the searches, and the accuracy of the reports submitted
11 pursuant to Section 5040. Nothing in this paragraph shall be
12 interpreted to allow the Inspector General to direct the department
13 regarding when the random searches shall take place, to allow the
14 Inspector General to direct the department regarding how the
15 random searches shall be carried out, or as requiring the Inspector
16 General's approval prior to the department conducting the random
17 searches.

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