

AMENDED IN ASSEMBLY AUGUST 26, 2011

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE MAY 24, 2011

AMENDED IN SENATE MAY 10, 2011

**SENATE BILL**

**No. 139**

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**Introduced by Senator Alquist**

January 31, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 139, as amended, Alquist. Corrections: ~~Inspector General.~~ *state prisons: searches.*

~~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 require, only until January 1, 2014, 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 at least 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 five working days' notice prior to the dates of~~  
 10 ~~those random searches the department plans to conduct.~~ *individuals.*  
 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)~~  
 24 (1) The names of the prisons where the searches took place.  
 25 ~~(B)~~  
 26 (2) The dates of the searches.  
 27 ~~(C)~~  
 28 (3) The shifts during which the searches took place.  
 29 ~~(D)~~  
 30 (4) The number of employees searched.  
 31 ~~(E)~~  
 32 (5) The number of vendors searched.  
 33 ~~(F)~~  
 34 (6) The number of cell phones discovered.  
 35 ~~(G)~~

1 (7) The number of items of portable computer equipment found,  
2 including, but not limited to, iPods, MP3 players, DVD players,  
3 CD players, CDs, and portable video game players.

4 (H)

5 (8) Tobacco products found.

6 (I)

7 (9) Illegal substances found, listed by type of substance.

8 ~~(2) The report shall include a general comment section for use~~  
9 ~~by the Inspector General and the department to discuss the issues~~  
10 ~~they find relevant to the searches and shall include a section~~  
11 ~~detailing the actions taken as a result of the discovery of contraband~~  
12 ~~possessed by an employee or vendor and the results of any~~  
13 ~~disciplinary process resulting from the discovery of contraband.~~

14 (c) ~~The reports~~ report to be submitted pursuant to subdivision  
15 (b) shall be submitted in compliance with Section 9795 of the  
16 Government Code.

17 (d) *This section shall remain in effect only until January 1, 2014,*  
18 *and as of that date is repealed, unless a later enacted statute, that*  
19 *is enacted before January 1, 2014, deletes or extends that date.*

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

21 6134. ~~The Inspector General, or its successor, may oversee, at~~  
22 ~~a minimum, the department's search of one staff shift per year at~~  
23 ~~each adult institution, in order to ensure the integrity of the process~~  
24 ~~and of the searches, and the accuracy of the reports submitted~~  
25 ~~pursuant to Section 5040. Nothing in this paragraph shall be~~  
26 ~~interpreted to allow the Inspector General to direct the department~~  
27 ~~regarding when the random searches shall take place, to allow the~~  
28 ~~Inspector General to direct the department regarding how the~~  
29 ~~random searches shall be carried out, or as requiring the Inspector~~  
30 ~~General's approval prior to the department conducting the random~~  
31 ~~searches.~~