

Senate Bill No. 139

Passed the Senate September 8, 2011

Secretary of the Senate

Passed the Assembly September 7, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 139, Alquist. Corrections: state prisons: searches.

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 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 Legislature at least quarterly regarding those searches, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 5040 is added to the Penal Code, to read:

5040. (a) (1) The Department of Corrections and Rehabilitation shall 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. These searches shall include random searches of property, personal or otherwise, brought into the prison by those individuals.

(2) The searches shall be conducted at each institution at least once per month. However, the secretary, or his or her designee, may cancel a search at an institution in a given month provided both of the following criteria are met:

(A) For every canceled search at an institution per month, an additional search shall be conducted at another institution within that same month.

(B) No institution may go three consecutive months without a search.

(b) The department shall provide a written report to the Legislature at least quarterly detailing the following:

- (1) The names of the prisons where the searches took place.
- (2) The dates of the searches.
- (3) The shifts during which the searches took place.
- (4) The number of employees searched.
- (5) The number of vendors searched.
- (6) The number of cell phones discovered.
- (7) The number of items of portable computer equipment found, including, but not limited to, iPods, MP3 players, DVD players, CD players, CDs, and portable video game players.
- (8) Tobacco products found.
- (9) Illegal substances found, listed by type of substance.

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

(d) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

Approved _____, 2011

Governor