

**Introduced by Senator Blakeslee**February 23, 2012

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An act to amend Section 4504 of the Penal Code, relating to inmates.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as introduced, Blakeslee. Inmates: mental health treatment.

Existing law describes the circumstances under which a person is deemed confined in a "state prison," including when the person is committed to a facility of the Department of Corrections and Rehabilitation or when the person is temporarily outside its walls or bounds for the purpose of serving on a work detail or for the purpose of confinement in a local correctional institution pending trial. Existing law provides that a person who is confined in the state prison who commits a crime, such as possessing or manufacturing a weapon, such as a weapon commonly known as a blackjack, committing a battery on a person who is not confined in a state prison, or escaping or attempting to escape from the state prison, is guilty of a felony punishable by imprisonment in the state prison for additional terms, as specified, to be served consecutively.

Existing law also provides that mentally ill, mentally deficient, or insane persons who are confined to the state prison may be treated at a state hospital if the Secretary of Corrections and Rehabilitation believes that the person's rehabilitation may be expedited by that treatment.

This bill would provide that a person is deemed "confined in" a prison if he or she is confined in a state hospital where prisoners of the state are located and receiving mental health treatment or where prisoners are confined and are receiving mental health treatment as a condition of parole. By changing the classification of certain crimes, such as possessing a weapon commonly known as a blackjack when committed

by persons who are receiving mental health treatment, from a misdemeanor to a felony, the bill would impose additional duties on local prosecuting entities, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

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

1 SECTION 1. Section 4504 of the Penal Code is amended to  
 2 read:

3 4504. For purposes of this chapter:

4 (a) A person is deemed confined in a “state prison” if he *or she*  
 5 is confined in any of the prisons and institutions specified in  
 6 Section 5003 by order made pursuant to law, including, but not  
 7 limited to, commitments to the Department of Corrections ~~or the~~  
 8 ~~Department of the Youth Authority and Rehabilitation~~, regardless  
 9 of the purpose of such confinement and regardless of the validity  
 10 of the order directing ~~such~~ *that* confinement, until a judgment of  
 11 a competent court setting aside ~~such~~ *the* order becomes final.

12 (b) A person is deemed “confined in” a prison although, at the  
 13 time of the offense, he *or she* is temporarily outside its walls or  
 14 bounds for the purpose of serving on a work detail or for the  
 15 purpose of confinement in a local correctional institution pending  
 16 trial or for any other purpose for which a prisoner may be allowed  
 17 temporarily outside the walls or bounds of the prison, but a prisoner  
 18 who has been released on parole is not deemed “confined in” a  
 19 prison for purposes of this chapter.

20 (c) *A person is deemed “confined in” a prison if he or she is*  
 21 *confined in a place where prisoners of the state are located within*  
 22 *the meaning of Section 2684 or where prisoners are confined and*  
 23 *are receiving mental health treatment as a condition of parole.*

24 SEC. 2. No reimbursement is required by this act pursuant to  
 25 Section 6 of Article XIII B of the California Constitution because  
 26 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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