

AMENDED IN SENATE MARCH 27, 2012

**SENATE BILL**

**No. 1282**

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**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 amended, 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.

*Existing law requires that a prisoner who meets certain specified criteria relating to having a severe mental disorder be treated by the State Department of Mental Health as a condition of parole.*

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~~ *either transferred to a state hospital pursuant to the above provisions of existing law or, as a condition of parole, is required to be treated in a state hospital by the State Department of Mental Health.* 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 and  
8 Rehabilitation, regardless of the purpose of such confinement and  
9 regardless of the validity of the order directing that confinement,  
10 until a judgment of a competent court setting aside the order  
11 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

1 who has been released on parole is not deemed “confined in” a  
2 prison for purposes of this chapter.

3 ~~(e) A person is deemed “confined in” a prison if he or she is~~  
4 ~~confined in a place where prisoners of the state are located within~~  
5 ~~the meaning of Section 2684 or where prisoners are confined and~~  
6 ~~are receiving mental health treatment as a condition of parole.~~

7 *(c) A person is deemed “confined in” a prison if he or she is*  
8 *either transferred to a state hospital pursuant to Section 2684 or,*  
9 *as a condition of parole, is required to be treated in a state hospital*  
10 *by the State Department of Mental Health pursuant to Section*  
11 *2962.*

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.