

Assembly Bill No. 1512

CHAPTER 44

An act to amend Section 4115.5 of the Penal Code, relating to corrections.

[Approved by Governor June 23, 2014. Filed with
Secretary of State June 23, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1512, Stone. Corrections: inmate transfers.

Existing law, until July 1, 2015, authorizes the board of supervisors of a county where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners, to enter into an agreement with any other county whose county adult detention facilities are adequate for and accessible to the first county and requires the concurrence of the receiving county's sheriff or the director of the county department of corrections. Existing law also requires a county entering into a transfer agreement with another county to report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility and the reason for needing to house the offenders outside the county.

This bill would extend the operation of those provisions until July 1, 2018, and would clarify that the agreement between counties would be to permit commitment of sentenced misdemeanants, felons sentenced to serve a term in a county jail, and any person required to serve a term of imprisonment in county adult detention facilities as a condition of probation.

Existing law, operative July 1, 2015, authorizes a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities to enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate for, and are readily accessible from, the first county for the commitment of misdemeanants and persons required to serve a term of imprisonment in a county adult detention facility as a condition of probation in jail in a county that is party to the agreement. Existing law, operative July 1, 2015, requires these agreements to provide for the support of a person so committed or transferred by the county from which he or she is committed.

This bill would instead make those provisions operative July 1, 2018.

This bill would make a related statement of legislative intent regarding inmate transfer agreements between nonadjacent counties.

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

SECTION 1. It is the intent of the Legislature to ensure that in extending the authority of a county to transfer an inmate to a nonadjacent county, counties exercise care in entering a transfer agreement with a nonadjacent county. The board of supervisors of a county should take into account all of the following before entering into an inmate transfer agreement with a nonadjacent county:

(a) The availability of alternatives to incarceration in the transferring county, including, but not limited to, pretrial diversion, alternative custody, county parole, inpatient treatment programs, and work furlough programs.

(b) The availability of appropriate housing given the classification level of the inmate and the availability of treatment and rehabilitative programs in the transferring county.

(c) The availability of appropriate housing given the classification level of the inmate and the availability of treatment and rehabilitative programs in the receiving county.

(d) Whether public safety would be compromised without sending an inmate to another county.

(e) Whether the county is under a court-ordered population cap, or if the facilities exceed rated capacity.

(f) The distance between the transferring county and the receiving county and whether there are any other geographically closer alternatives. The county should consider the distance from the inmate's county of residence to the receiving county and whether that distance could impede visitation by an inmate's family.

(g) The length of time remaining on an inmate's sentence.

(h) The preference of the county inmate to remain in the sentencing, transferring county.

(i) The costs of transferring an inmate compared to other forms of custody.

SEC. 2. Section 4115.5 of the Penal Code, as amended by Section 72 of Chapter 41 of the Statutes of 2012, is amended to read:

4115.5. (a) The board of supervisors of a county where, in the opinion of the sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities, may enter into an agreement with the board or boards of supervisors of one or more counties whose county adult detention facilities are adequate for and accessible to the first county to permit commitment of sentenced misdemeanants, persons sentenced pursuant to subdivision (h) of Section 1170, and any persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation, with the concurrence of that county's sheriff or director of its county department of corrections. When the agreement is in effect, commitments may be made by the court.

(b) A county entering into an agreement with another county pursuant to subdivision (a) shall report annually to the Board of State and Community

Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility pursuant to subdivision (a) and the reason for needing to house the offenders outside the county.

(c) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 4115.5 of the Penal Code, as added by Section 73 of Chapter 41 of the Statutes of 2012, is amended to read:

4115.5. (a) The board of supervisors of a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities may enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate and are readily accessible from the first county to permit commitment of misdemeanants, and any persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation, to a jail in a county having adequate facilities that is a party to the agreement. That agreement shall make provision for the support of a person so committed or transferred by the county from which he or she is committed. When that agreement is in effect, commitments may be made by the court and support of a person so committed shall be a charge upon the county from which he or she is committed.

(b) This section shall become operative on July 1, 2018.