

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1652

Introduced by Assembly Member Ammiano

February 11, 2014

An act to amend Section 2933.6 of, ~~and to add Chapter 18 (commencing with Section 7455) to Title 7 of Part 3 of,~~ the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as amended, Ammiano. Inmates: prison gangs.

Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill would remove the provision making a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit upon validation as a prison gang member or associate ineligible to receive the above-specified credits. *The bill would only allow an inmate to be assigned to a Security Housing Unit for the same misconduct that would*

make him or her ineligible to earn credits while in a Security Housing Unit pursuant to the above provisions.

~~This bill would require that an inmate assigned to a Security Housing Unit as a validated member, associate, or affiliate of a gang or security threat group receive a determinate term of not more than 36 months if the assignment is based solely on that status.~~

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 2933.6 of the Penal Code is amended to
- 2 read:
- 3 2933.6. (a) Notwithstanding any other law, a person who is
- 4 placed in a Security Housing Unit, Psychiatric Services Unit,
- 5 Behavioral Management Unit, or an Administrative Segregation
- 6 Unit for misconduct described in subdivision (b) is ineligible to
- 7 earn credits pursuant to Section 2933 or 2933.05 during the time
- 8 he or she is in the Security Housing Unit, Psychiatric Services
- 9 Unit, Behavioral Management Unit, or the Administrative
- 10 Segregation Unit for that misconduct.
- 11 (b) This section applies to the following offenses:
- 12 (1) Murder, attempted murder, and solicitation of murder. For
- 13 purposes of this paragraph, solicitation of murder shall be proven
- 14 by the testimony of two witnesses, or of one witness and
- 15 corroborating circumstances.
- 16 (2) Manslaughter.
- 17 (3) Assault or battery causing serious bodily injury.
- 18 (4) Assault or battery on a peace officer or other nonprisoner
- 19 which results in physical injury.
- 20 (5) Assault with a deadly weapon or caustic substance.
- 21 (6) Rape, attempted rape, sodomy, attempted sodomy, oral
- 22 copulation, or attempted oral copulation accomplished against the
- 23 victim's will.
- 24 (7) Taking a hostage.
- 25 (8) Escape or attempted escape with force or violence.
- 26 (9) Escape from any departmental prison or institution other
- 27 than a camp or reentry facility.
- 28 (10) Possession or manufacture of a deadly weapon or explosive
- 29 device.

1 (11) Arson involving damage to a structure.

2 (12) Possession of flammable, explosive material with intent to
3 burn any structure or property.

4 (13) Solicitation of assault with a deadly weapon or assault by
5 means of force likely to produce great bodily injury, arson, or a
6 forcible sex act.

7 (14) Intentional destruction of state property in excess of four
8 hundred dollars (\$400) during a riot or disturbance.

9 (c) ~~This Subdivision (a) of this section does not apply if the~~
10 administrative finding of the misconduct is overturned or if the
11 person is criminally prosecuted for the misconduct and is found
12 not guilty.

13 (d) *An inmate may only be assigned to a Security Housing Unit*
14 *for an offense specified in subdivision (b).*

15 SEC. 2. ~~Chapter 18 (commencing with Section 7455) is added~~
16 ~~to Title 7 of Part 3 of the Penal Code, to read:~~

17

18

CHAPTER 18. SECURITY HOUSING UNIT

19

20 7455. ~~An inmate assigned to a Security Housing Unit as a~~
21 ~~validated member, associate, or affiliate of a gang or security threat~~
22 ~~group shall receive a determinate term in the Security Housing~~
23 ~~Unit of not more than 36 months if the assignment is based solely~~
24 ~~on that status.~~