

AMENDED IN ASSEMBLY MAY 8, 2014

AMENDED IN SENATE MARCH 18, 2014

SENATE BILL

No. 833

Introduced by Senator Liu
(Coauthor: Senator Anderson)
(Coauthor: Assembly Member Lowenthal)

January 6, 2014

An act to amend Section 4024 of the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Liu. Jails: discharge of prisoners.

Existing law authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

This bill would additionally authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime ~~hours~~ *hours, as specified. The prisoner would be allowed to revoke his or her consent and be discharged as soon as possible and practicable.* The bill would *also* specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the ~~prisoners'~~ *prisoner's* express written consent. *The bill would specify that offering this voluntary program is an act of discretion*

under a specified provision of law that provides immunity from civil liability to a public employee for injuries resulting from the employee's exercise of discretion.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) City and county jails throughout California regularly release
4 jailed persons during nighttime hours.
- 5 (b) ~~Persons~~ *Oftentimes persons* released during late night hours
6 are unable to access basic reentry ~~services, are susceptible to~~
7 ~~victimization, and may jeopardize public safety.~~ *services.*
- 8 (c) ~~Persons released who are homeless are left to the streets~~
9 ~~until morning, as most shelters close intake in the early evening~~
10 ~~hours.~~
- 11 (d)
- 12 (c) Persons who suffer from mental illness or substance
13 addiction are *sometimes* unable to access immediate treatment
14 services following a late night release from jail.
- 15 (e)
- 16 (d) Many California counties have reentry centers that provide
17 a range of services and referrals for persons recently released from
18 jail, however, most centers are typically open during business
19 hours only, leaving persons released at night without these
20 immediate benefits.
- 21 (f)
- 22 (e) While some jurisdictions have attempted to address this
23 issue, there is no standardized policy in place to govern release
24 times.
- 25 (g)
- 26 (f) County detention facilities in Florida, Michigan, Nevada,
27 and New Jersey follow local procedures to release individuals
28 around 6 a.m. on the day they are ordered released, with an
29 exception made when bail is posted.
- 30 (h) ~~Personal safety is a major concern for prisoners released at~~
31 ~~night, particularly with regard to women released in urban areas.~~

1 ~~Incidents of victimization following late night release are not~~
2 ~~uncommon.~~

3 ~~(i)~~

4 ~~(g) Las Vegas Metro Detention Center in Nevada releases men~~
5 ~~and women during the day and night, however, women released~~
6 ~~at night are brought to a designated part of the city due to safety~~
7 ~~concerns.~~

8 ~~(j) Advocates and county staff in jurisdictions including the~~
9 ~~Counties of Alameda, Los Angeles, San Francisco, and San Mateo,~~
10 ~~have identified the late night release of prisoners as a serious public~~
11 ~~safety issue.~~

12 SEC. 2. Section 4024 of the Penal Code is amended to read:

13 4024. (a) The sheriff may discharge any prisoner from the
14 county jail at such time on the last day such prisoner may be
15 confined as the sheriff shall consider to be in the best interests of
16 the prisoner.

17 (b) (1) Upon completion of a sentence served by a prisoner or
18 the release of a prisoner ordered by the court to be effected the
19 same day, including prisoners who are released on their own
20 recognizance, have their charges dismissed by the court, are
21 acquitted by a jury, are cited and released on a misdemeanor
22 charge, have posted bail, or have the charges against them dropped
23 by the prosecutor, the sheriff may offer a voluntary program to the
24 prisoner that would allow that prisoner to stay in the custody
25 facility for up to 16 additional hours or until normal business hours,
26 whichever is shorter, in order to offer the prisoner the ability to be
27 discharged to a treatment center or during daytime hours. *The*
28 *prisoner may revoke his or her consent and be discharged as soon*
29 *as possible and practicable.*

30 (2) This subdivision does not prevent the early release of
31 prisoners as otherwise allowed by law or allow jails to retain
32 prisoners any longer than otherwise required by law without the
33 ~~prisoners'~~ *prisoner's* express written consent.

34 (3) *Offering this voluntary program is an act of discretion within*
35 *the meaning of Section 820.2 of the Government Code.*

36 (4) *If a prisoner has posted bail and elects to participate in this*
37 *program, he or she shall notify the bail agent as soon as possible*
38 *and practicable of his or her decision to participate.*

39 (5) *A sheriff offering this program shall, whenever possible,*
40 *allow the prisoner volunteering to participate in the program to*

- 1 *make a telephone call to either arrange for transportation, or to*
- 2 *notify the bail agent pursuant to paragraph (4), or both.*

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