

Assembly Bill No. 293

CHAPTER 195

An act to add Section 5004.7 to the Penal Code, relating to prisons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 2015. Filed with
Secretary of State August 13, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 293, Levine. Prisons: inmate threats.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety.

This bill would require the department to establish a statewide policy on operational procedures for the handling of threats made by inmates or wards, and threats made by family members of inmates or wards, against department staff. The bill would require that the policy include methods to ensure that department staff members are advised of threats made against them by inmates, wards, or family members of inmates or wards, and that all threats against department staff made by inmates or wards, and their family members, are thoroughly investigated. The bill would require an individual institution within the department that has a more detailed policy to make the policy accessible to every member of the staff of the institution. The bill would require the department to provide training on the policy developed pursuant to these provisions as part of its existing training programs and would require the policy to be fully implemented by July 1, 2016.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 5004.7 is added to the Penal Code, to read:

5004.7. (a) The department shall establish a statewide policy on operational procedures for the handling of threats made by inmates or wards, and threats made by family members of inmates or wards, against department

staff. The policy shall include methods to ensure that department staff members are advised of threats made against them by inmates, wards, or family members of inmates or wards, and shall require that all threats against department staff made by inmates, wards, or family members of inmates or wards are thoroughly investigated. A copy of the statewide policy shall be accessible to members of the public upon request.

(b) This section does not prohibit an individual institution within the department from developing a more detailed notification procedure for advising staff members of threats made against them. If an individual institution has a more detailed policy, the policy shall be accessible to every member of the staff of the institution.

(c) The department shall provide training on the policy developed pursuant to this section as part of its existing training programs.

(d) The policy developed pursuant to this section shall be fully implemented by July 1, 2016.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to increase safety in California prisons at the earliest possible time, it is necessary that this act take effect immediately.