

AMENDED IN ASSEMBLY MARCH 9, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1597

Introduced by Assembly Member Mark Stone

January 7, 2016

An act to amend Section 4019.4 of the Penal Code, relating to county jails.

LEGISLATIVE COUNSEL'S DIGEST

AB 1597, as amended, Mark Stone. County jails: performance milestone credits.

Under existing law, when a prisoner is confined to a county or city jail, an industrial farm, or a road camp, for each 4-day period in which he or she is confined, he or she may have one day deducted from his or her period of confinement, as specified. Existing law also authorizes a sheriff or county director of corrections, in addition to the credits otherwise earned, to award an inmate who is sentenced to county jail for a felony, program credit reductions from his or her term of confinement for successful completion of specific program performance objectives for rehabilitative programming, including academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills. These program credit reductions may be for one to 6 weeks and may be forfeited in the same manner as other program credit reductions.

This bill would make the provisions applicable to *sentenced and unsentenced* inmates who are ~~sentenced to confined in a county jail for a misdemeanor and to people who are held in a county jail prior to sentencing~~ *jail*. The bill would require credits awarded prior to sentencing to be applied to the sentence for the offense for which the

inmate was awaiting sentence when the credits were awarded. *The bill would prohibit evidence of an inmate’s participation, or attempted participation, in this program from being admitted as an admission of guilt in any proceeding.*

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. Section 4019.4 of the Penal Code is amended to
2 read:

3 4019.4. (a) (1) In addition to credit awarded pursuant to
4 Section 4019, a sheriff or county director of corrections may also
5 award an inmate program credit reductions from his or her term
6 of confinement as provided in this section. A sheriff or county
7 director of corrections who elects to participate in this credit
8 reduction program shall create guidelines that provide for credit
9 reductions for inmates who successfully complete specific program
10 performance objectives for approved rehabilitative programming,
11 including, but not limited to, credit reduction of not less than one
12 week to credit reduction of not more than six weeks for each
13 performance milestone.

14 (2) Guidelines adopted by a sheriff or county director of
15 corrections pursuant to this subdivision shall specify the credit
16 reductions applicable to distinct objectives in a schedule of
17 graduated program performance objectives concluding with the
18 successful completion of an in-custody rehabilitation program.
19 Upon adopting the guidelines, the sheriff or county director of
20 corrections shall thereafter calculate and award credit reductions
21 authorized by this section. An inmate may not have his or her term
22 of imprisonment reduced by more than six weeks for credits
23 awarded pursuant to this section during any 12-month period of
24 continuous confinement.

25 (b) Program credit is a privilege, not a right. An inmate shall
26 have a reasonable opportunity to participate in program credit
27 qualifying assignments in a manner consistent with institutional
28 security, available resources, and guidelines set forth by the sheriff
29 or county director of corrections.

30 (c) As used in this section, “approved rehabilitation
31 programming” shall include, but is not limited to, academic

1 programs, vocational programs, vocational training, substance
2 abuse programs, and core programs such as anger management
3 and social life skills.

4 (d) Credits awarded pursuant to this section may be forfeited
5 pursuant to the provisions of Section 4019. An inmate shall not
6 be eligible for program credits that result in him or her being
7 overdue for release.

8 (e) This section shall apply to ~~inmates sentenced to~~ *and*
9 *unsentenced inmates confined in a county jail.*

10 (f) (1) Nothing in this section shall prevent a person who has
11 not been sentenced from participating in an approved rehabilitation
12 program pursuant to this section.

13 (2) If a person is awarded credits prior to sentencing, the credits
14 shall be applied to a sentence for the offense for which the person
15 was awaiting sentence when the credits were awarded ~~under~~ *in the*
16 ~~same terms and conditions~~ *manner* as all other credits awarded.

17 (g) *Evidence that an inmate has participated in, or attempted*
18 *to participate in, an approved rehabilitation program eligible for*
19 *credit pursuant to this section is not admissible in any proceeding*
20 *as an admission of guilt.*