

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE APRIL 9, 2015

**SENATE BILL**

**No. 343**

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**Introduced by Senator Hancock**

February 24, 2015

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An act to amend Sections 2053.1, 2054, ~~2054.2, and 2933.6 of, and 2054.2 of~~, and to repeal Section 2054.1 of, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as amended, Hancock. Corrections: inmates.

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement a literacy program in every state prison. In implementing these programs, existing law requires the Secretary of the Department of Corrections and Rehabilitation to give strong consideration to computer-assisted training and other innovations that have proven to be effective in reducing illiteracy among disadvantaged adults.

This bill would also require the Department of Corrections and Rehabilitation to give strong consideration to the use of libraries and librarians for that literacy program.

Existing law permits the Secretary of the Department of Corrections and Rehabilitation to establish and maintain classes for inmates. Existing law provides for funding of this program, upon appropriation by the Legislature, at a rate of \$40 per inmate. Existing law requires this rate to increase or decrease in the same proportion as the median salaries for full-time high school teachers in the public schools of the state have increased or decreased since the 1956–57 fiscal year.

This bill would repeal the provisions regarding the setting of the rates for funding of these classes.

Existing law requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education including, but are not limited to, a specified literacy level, a high school diploma or equivalent, or a particular vocational job skill.

This bill would add completion of a community college or ~~4-year~~ 4-year academic degree to the list of included academic and vocational education.

~~Existing law makes an inmate placed in a Security Housing Unit for specified crimes or because of gang association or membership, or placed in a Psychiatric Services Unit, ineligible to earn credits towards reducing his or her sentence during the time the inmate is in the Security Housing Unit.~~

~~This bill would, notwithstanding that prohibition, permit the Department of Corrections and Rehabilitation to establish regulations to allow specified inmates to earn credits, as specified.~~

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 2053.1 of the Penal Code is amended to
- 2 read:
- 3 2053.1. (a) The Secretary of the Department of Corrections
- 4 and Rehabilitation shall implement in every state prison literacy
- 5 programs that are designed to ensure that upon parole inmates are
- 6 able to achieve the goals contained in this section. The department
- 7 shall prepare an implementation plan for this program, and shall
- 8 request the necessary funds to implement this program as follows:
- 9 (1) The department shall offer academic programming
- 10 throughout an inmate’s incarceration that shall focus on increasing
- 11 the reading ability of an inmate to at least a 9th grade level.
- 12 (2) For an inmate reading at a 9th grade level or higher, the
- 13 department shall focus on helping the inmate obtain a general
- 14 education development certificate, or its equivalent, or a high
- 15 school diploma.

1 (3) The department shall offer college programs through  
2 voluntary education programs or their equivalent.

3 (4) While the department shall offer education to target  
4 populations, priority shall be given to those with a criminogenic  
5 need for education, those who have a need based on their  
6 educational achievement level, or other factors as determined by  
7 the department.

8 (b) In complying with the requirements of this section, the  
9 department shall give strong consideration to the use of libraries  
10 and librarians, computer-assisted training, and other innovations  
11 that have proven to be effective in reducing illiteracy among  
12 disadvantaged adults.

13 SEC. 2. Section 2054 of the Penal Code is amended to read:

14 2054. (a) The Secretary of the Department of Corrections and  
15 Rehabilitation may establish and maintain classes for inmates by  
16 utilizing personnel of the Department of Corrections and  
17 Rehabilitation, or by entering into an agreement with the governing  
18 board of a school district or private school or the governing boards  
19 of school districts under which the district shall maintain classes  
20 for such inmates. The governing board of a school district or private  
21 school may enter into such an agreement regardless of whether  
22 the institution or facility at which the classes are to be established  
23 and maintained is within or without the boundaries of the school  
24 district.

25 (b) Any agreement entered into between the Secretary of the  
26 Department of Corrections and Rehabilitation and a school district  
27 or private school pursuant to this section may require the  
28 Department of Corrections and Rehabilitation to reimburse the  
29 school district or private school for the cost to the district or private  
30 school of maintaining such classes. "Cost" as used in this section  
31 includes contributions required of any school district to the State  
32 Teachers' Retirement System, but such cost shall not include an  
33 amount in excess of the amount expended by the district for salaries  
34 of the teachers for such classes, increased by one-fifth. Salaries of  
35 such teachers for the purposes of this section shall not exceed the  
36 salaries as set by the governing board for teachers in other classes  
37 for adults maintained by the district, or private schools.

38 (c) Attendance or average daily attendance in classes established  
39 pursuant to this section or in classes in trade and industrial  
40 education or vocational training for adult inmates of institutions

1 or facilities under the jurisdiction of the Department of Corrections  
2 and Rehabilitation shall not be reported to the State Department  
3 of Education for apportionment and no apportionment from the  
4 State School Fund shall be made on account of average daily  
5 attendance in such classes.

6 (d) No school district or private school shall provide for the  
7 academic education of adult inmates of state institutions or facilities  
8 under the jurisdiction of the Department of Corrections and  
9 Rehabilitation except in accordance with this section.

10 SEC. 3. Section 2054.1 of the Penal Code is repealed.

11 SEC. 4. Section 2054.2 of the Penal Code is amended to read:

12 2054.2. The Department of Corrections and Rehabilitation  
13 shall determine and implement a system of incentives to increase  
14 inmate participation in, and completion of, academic and vocational  
15 education, consistent with the inmate's educational needs as  
16 identified in the assessment performed pursuant to Section 3020,  
17 including, but not limited to, a literacy level specified in Section  
18 2053.1, a high school diploma or equivalent, completion of a  
19 community college or ~~four-year~~ *four-year* academic degree, or a  
20 particular vocational job skill. These incentives may be consistent  
21 with other incentives provided to inmates who participate in work  
22 programs.

23 ~~SEC. 5. Section 2933.6 of the Penal Code is amended to read:~~

24 ~~2933.6. (a) Notwithstanding any other law, except as provided~~  
25 ~~in subdivision (d), a person who is placed in a Security Housing~~  
26 ~~Unit, Psychiatric Services Unit, Behavioral Management Unit, or~~  
27 ~~an Administrative Segregation Unit for misconduct described in~~  
28 ~~subdivision (b) or upon validation as a prison gang member or~~  
29 ~~associate is ineligible to earn credits pursuant to Section 2933 or~~  
30 ~~2933.05 during the time he or she is in the Security Housing Unit,~~  
31 ~~Psychiatric Services Unit, Behavioral Management Unit, or the~~  
32 ~~Administrative Segregation Unit for that misconduct.~~

33 ~~(b) This section applies to the following offenses:~~

34 ~~(1) Murder, attempted murder, and solicitation of murder. For~~  
35 ~~purposes of this paragraph, solicitation of murder shall be proven~~  
36 ~~by the testimony of two witnesses, or of one witness and~~  
37 ~~corroborating circumstances.~~

38 ~~(2) Manslaughter.~~

39 ~~(3) Assault or battery causing serious bodily injury.~~

- 1 ~~(4) Assault or battery on a peace officer or other nonprisoner~~
- 2 ~~which results in physical injury.~~
- 3 ~~(5) Assault with a deadly weapon or caustic substance.~~
- 4 ~~(6) Rape, attempted rape, sodomy, attempted sodomy, oral~~
- 5 ~~copulation, or attempted oral copulation accomplished against the~~
- 6 ~~victim's will.~~
- 7 ~~(7) Taking a hostage.~~
- 8 ~~(8) Escape or attempted escape with force or violence.~~
- 9 ~~(9) Escape from any departmental prison or institution other~~
- 10 ~~than a camp or reentry facility.~~
- 11 ~~(10) Possession or manufacture of a deadly weapon or explosive~~
- 12 ~~device.~~
- 13 ~~(11) Arson involving damage to a structure.~~
- 14 ~~(12) Possession of flammable, explosive material with intent to~~
- 15 ~~burn any structure or property.~~
- 16 ~~(13) Solicitation of assault with a deadly weapon or assault by~~
- 17 ~~means of force likely to produce great bodily injury, arson, or a~~
- 18 ~~forcible sex act.~~
- 19 ~~(14) Intentional destruction of state property in excess of four~~
- 20 ~~hundred dollars (\$400) during a riot or disturbance.~~
- 21 ~~(e) Subdivision (a) of this section does not apply if the~~
- 22 ~~administrative finding of the misconduct is overturned or if the~~
- 23 ~~person is criminally prosecuted for the misconduct and is found~~
- 24 ~~not guilty.~~
- 25 ~~(d) Notwithstanding subdivision (a), the Department of~~
- 26 ~~Corrections and Rehabilitation may establish regulations to allow~~
- 27 ~~specified inmates placed in a Security Housing Unit, Psychiatric~~
- 28 ~~Services Unit, Behavioral Management Unit, or an Administrative~~
- 29 ~~Segregation Unit to earn credits pursuant to Section 2933 or~~
- 30 ~~2933.05, or credits as otherwise specified in regulation, during the~~
- 31 ~~time he or she is in the Security Housing Unit, Psychiatric Services~~
- 32 ~~Unit, Behavioral Management Unit, or the Administrative~~
- 33 ~~Segregation Unit. The regulations shall establish separate~~
- 34 ~~classifications of serious disciplinary infractions to determine the~~
- 35 ~~rate of to restoration of credits, the time period required before~~
- 36 ~~forfeited credits or a portion thereof may be restored, and the~~
- 37 ~~percentage of forfeited credits that may be restored for those time~~
- 38 ~~periods, not to exceed those percentages authorized for general~~
- 39 ~~population inmates. The regulations shall provide for credit earning~~

- 1 ~~for inmates who successfully complete specific program~~
- 2 ~~performance objectives.~~

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