

**Introduced by Senator Mitchell
(Coauthor: Senator Hancock)**

February 18, 2016

An act to amend Sections 4025 and 6030 of the Penal Code, and to amend Sections 210 and 885 of the Welfare and Institutions Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, as introduced, Mitchell. Inmates: visitation.

(1) Existing law requires any money, refund, rebate, or commission received from a telephone company or pay telephone provider when the money, refund, rebate, or commission is attributable to the use of pay telephones that are primarily used by inmates while incarcerated to be placed in the inmate welfare fund in a county treasury, to be expended for the benefit, education, and welfare of the inmates confined within the jail.

This bill would also require money, refunds, rebates, and commissions from communication companies that are attributable to the use of video visitation equipment primarily used by inmates while incarcerated to be deposited in the inmate welfare fund.

(2) Existing law requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities, juvenile ranches, camps, forestry camps, and juvenile halls.

This bill would require the minimum standards to include requirements that prohibit video or other types of electronic visitation from replacing in-person visits. The bill would also require the board to review the minimum standards for juvenile ranches, camps, forestry camps, and juvenile halls biennially and to make appropriate revisions.

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. The Legislature finds and declares that
2 opportunities for in-person visitation in local correctional facilities,
3 juvenile halls, juvenile homes, ranches, and camps are essential
4 for persons who are incarcerated and detained to maintain family
5 stability, reduce disciplinary infractions and violence while
6 incarcerated, reduce recidivism, increase the chances of obtaining
7 employment postrelease, and facilitate successful reentry. Other
8 types of visitation shall only be used to supplement in-person
9 visitation to further promote the above-mentioned goals. This act
10 does not interfere with the ability of the Board of State and
11 Community Corrections to issue regulations with regards to
12 visitation. It is the intent of the Legislature to strengthen family
13 connections by facilitating in-person visitation.

14 SEC. 2. Section 4025 of the Penal Code is amended to read:

15 4025. (a) The sheriff of each county may establish, ~~maintain~~
16 *maintain*, and operate a store in connection with the county jail
17 and for this purpose may purchase confectionery, tobacco and
18 tobacco users' supplies, postage and writing materials, and toilet
19 articles and supplies and sell these goods, articles, and supplies
20 for cash to inmates in the jail.

21 (b) The sale prices of the articles offered for sale at the store
22 shall be fixed by the sheriff. Any profit shall be deposited in an
23 inmate welfare fund to be kept in the treasury of the county.

24 (c) There shall also be deposited in the inmate welfare fund 10
25 percent of all gross sales of inmate hobbycraft.

26 (d) There shall be deposited in the inmate welfare fund any
27 money, refund, rebate, or commission received from a ~~telephone~~
28 *communications* company or ~~pay telephone communications~~
29 provider when the money, refund, rebate, or commission is
30 attributable to the use of pay telephones ~~which are or video~~
31 *visitation equipment* primarily used by inmates while incarcerated.

32 (e) The money and property deposited in the inmate welfare
33 fund shall be expended by the sheriff primarily for the benefit,
34 education, and welfare of the inmates confined within the jail. Any
35 funds that are not needed for the welfare of the inmates may be

1 expended for the maintenance of county jail facilities. Maintenance
2 of county jail facilities may include, but is not limited to, the salary
3 and benefits of personnel used in the programs to benefit the
4 inmates, including, but not limited to, education, drug and alcohol
5 treatment, welfare, library, accounting, and other programs deemed
6 appropriate by the sheriff. Inmate welfare funds shall not be used
7 to pay required county expenses of confining inmates in a local
8 detention system, such as meals, clothing, housing, or medical
9 services or expenses, except that inmate welfare funds may be
10 used to augment those required county expenses as determined by
11 the sheriff to be in the best interests of inmates. An itemized report
12 of these expenditures shall be submitted annually to the board of
13 supervisors.

14 (f) The operation of a store within any other county adult
15 detention facility which is not under the jurisdiction of the sheriff
16 shall be governed by the provisions of this section, except that the
17 board of supervisors shall designate the proper county official to
18 exercise the duties otherwise allocated in this section to the sheriff.

19 (g) The operation of a store within any city adult detention
20 facility shall be governed by the provisions of this section, except
21 that city officials shall assume the respective duties otherwise
22 outlined in this section for county officials.

23 (h) The treasurer may, pursuant to Article 1 (commencing with
24 Section 53600), or Article 2 (commencing with Section 53630) of
25 Chapter 4 of Part 1 of Division 2 of Title 5 of the Government
26 Code, deposit, invest, or reinvest any part of the inmate welfare
27 fund, in excess of that which the treasurer deems necessary for
28 immediate use. The interest or increment accruing on these funds
29 shall be deposited in the inmate welfare fund.

30 (i) The sheriff may expend money from the inmate welfare fund
31 to provide indigent inmates, prior to release from the county jail
32 or any other adult detention facility under the jurisdiction of the
33 sheriff, with essential clothing and transportation expenses within
34 the county or, at the discretion of the sheriff, transportation to the
35 inmate's county of residence, if the county is within the state or
36 within 500 miles from the county of incarceration. This subdivision
37 does not authorize expenditure of money from the inmate welfare
38 fund for the transfer of any inmate to the custody of any other law
39 enforcement official or jurisdiction.

40 SEC. 3. Section 6030 of the Penal Code is amended to read:

1 6030. (a) The Board of State and Community Corrections shall
2 establish minimum standards for local correctional facilities. The
3 board shall review those standards biennially and make any
4 appropriate revisions.

5 (b) The standards shall include, but not be limited to, the
6 following areas: health and sanitary conditions, fire and life safety,
7 security, rehabilitation programs, recreation, treatment of persons
8 confined in local correctional facilities, and personnel training.

9 (c) The standards shall require that at least one person on duty
10 at the facility is knowledgeable in the area of fire and life safety
11 procedures.

12 (d) The standards shall also include requirements relating to the
13 acquisition, storage, labeling, packaging, and dispensing of drugs.

14 (e) The standards shall require that inmates who are received
15 by the facility while they are pregnant be notified, orally or in
16 writing, of and provided all of the following:

17 (1) A balanced, nutritious diet approved by a doctor.

18 (2) Prenatal and post partum information and health care,
19 including, but not limited to, access to necessary vitamins as
20 recommended by a doctor.

21 (3) Information pertaining to childbirth education and infant
22 care.

23 (4) A dental cleaning while in a state facility.

24 (f) The standards shall provide that a woman known to be
25 pregnant or in recovery after delivery shall not be restrained, except
26 as provided in Section 3407. The board shall develop standards
27 regarding the restraint of pregnant women at the next biennial
28 review of the standards after the enactment of the act amending
29 this subdivision and shall review the individual facility's
30 compliance with the standards.

31 (g) *The standards shall also include requirements related to*
32 *visitation that prohibit video or other types of electronic visitation*
33 *from replacing in-person visits.*

34 ~~(g)~~

35 (h) In establishing minimum standards, the board shall seek the
36 advice of the following:

37 (1) For health and sanitary conditions:

38 The State Department of Public Health, physicians, psychiatrists,
39 local public health officials, and other interested persons.

40 (2) For fire and life safety:

1 The State Fire Marshal, local fire officials, and other interested
2 persons.

3 (3) For security, rehabilitation programs, recreation, and
4 treatment of persons confined in correctional facilities:

5 The Department of Corrections and Rehabilitation, state and
6 local juvenile justice commissions, state and local correctional
7 officials, experts in criminology and penology, and other interested
8 persons.

9 (4) For personnel training:

10 The Commission on Peace Officer Standards and Training,
11 psychiatrists, experts in criminology and penology, the Department
12 of Corrections and Rehabilitation, state and local correctional
13 officials, and other interested persons.

14 (5) For female inmates and pregnant inmates in local adult and
15 juvenile facilities:

16 The California State Sheriffs' Association and Chief Probation
17 Officers' Association of California, and other interested persons.

18 (6) *For visitation:*

19 *The California State Sheriffs' Association, organizations working*
20 *directly with people who are incarcerated, organizations working*
21 *directly with, or that are operated by, family members of people*
22 *who are incarcerated, and other interested persons.*

23 SEC. 4. Section 210 of the Welfare and Institutions Code is
24 amended to read:

25 210. (a) The Board of *State and Community* Corrections shall
26 adopt minimum standards for the operation and maintenance of
27 juvenile halls for the confinement of minors. *The board shall*
28 *review those standards biennially and make appropriate revisions.*

29 (b) *The standards adopted pursuant to subdivision (a) shall*
30 *include requirements that prohibit video or other types of electronic*
31 *visitation from replacing in-person visits.*

32 SEC. 5. Section 885 of the Welfare and Institutions Code is
33 amended to read:

34 885. (a) The Board of *State and Community* Corrections shall
35 adopt and prescribe the minimum standards of construction,
36 operation, programs of education and training, and qualifications
37 of personnel for juvenile ranches, camps, or forestry camps
38 established under Section 881. *The board shall review those*
39 *standards biennially and make appropriate revisions.*

1 **(b)** *The standards adopted pursuant to subdivision (a) shall*
2 *also include requirements that prohibit video or other types of*
3 *electronic visitation from replacing in-person visits.*

4 ~~(b)~~

5 **(c)** The ~~Board of Corrections~~ *board* shall conduct a biennial
6 inspection of each juvenile ranch, camp, or forestry camp situated
7 in this state that, during the preceding calendar year, was used for
8 confinement of any minor for more than 24 hours.

9 ~~(c)~~

10 **(d)** The custodian of each juvenile ranch, camp, or forestry camp
11 shall make any reports that may be required by the board to
12 effectuate the purposes of this section.