

AMENDED IN SENATE APRIL 6, 2016

**SENATE BILL**

**No. 1157**

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**Introduced by Senator Mitchell**  
**(Coauthor: Senator Hancock)**  
*(Coauthor: Assembly Member Weber)*

February 18, 2016

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An act to ~~amend Sections 4025 and 6030 of~~ *add Section 4032 to the Penal Code, and to ~~amend add Sections 210 and 885 of 210.05 and 885.5 to the Welfare and Institutions Code, relating to ~~inmates:~~ incarcerated persons.~~*

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, as amended, Mitchell. ~~Inmates:~~ *Incarcerated persons:* visitation.

*Existing law provides that a county jail is kept by the sheriff of the county in which the jail is situated and is to be used for specified purposes, including for the confinement of persons sentenced to imprisonment in the county jail upon a criminal conviction. Among other things, existing law requires each county jail to contain a sufficient number of rooms to allow certain persons belonging to specified classes to be confined separately and distinctly from persons belonging to other specified classes. Existing law requires every county to provide and maintain a juvenile hall for purposes of providing a suitable house or place for the detention of wards and dependent children of the juvenile court and persons alleged to come within the jurisdiction of the juvenile court. Existing law authorizes a county to, by ordinance, establish juvenile ranches, camps, or forestry camps, within or without the county, to which certain persons made wards of the court may be committed.*

*This bill would prohibit a local correctional facility, as defined, a juvenile hall for the confinement of minors, and a juvenile ranch, camp, or forestry camp from utilizing video or other types of electronic visitation to replace in-person visitation. The bill would require specified numbers and lengths of in-person visits for incarcerated persons in certain local correctional facilities and for incarcerated minors and minors at the juvenile facilities described above. The bill would also define, among other things, “in-person visit” and “in-person visitation” for these purposes. By increasing the duties of local officials relative to in-person visitations for incarcerated persons in local correctional facilities, the bill would impose a state-mandated local program.*

*On and after January 1, 2017, the bill would prohibit a city, county, city and county, or other local entity from entering into, renewing, extending, or amending a contract with a private prison corporation that does not provide persons to be incarcerated or detained at the private prison corporation’s facility, at a minimum, specified amounts of in-person visitation.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~(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~~-yes.

*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 ~~and operate a store in connection with the county jail and for this~~  
17 ~~purpose may purchase confectionery, tobacco and tobacco users'~~  
18 ~~supplies, postage and writing materials, and toilet articles and~~  
19 ~~supplies and sell these goods, articles, and supplies for cash to~~  
20 ~~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~~  
28 ~~communications company or communications provider when the~~  
29 ~~money, refund, rebate, or commission is attributable to the use of~~

1 pay telephones or video-visitation equipment primarily used by  
2 inmates while incarcerated.

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

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

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

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

36 (i) The sheriff may expend money from the inmate welfare fund  
37 to provide indigent inmates, prior to release from the county jail  
38 or any other adult detention facility under the jurisdiction of the  
39 sheriff, with essential clothing and transportation expenses within  
40 the county or, at the discretion of the sheriff, transportation to the

1 inmate's county of residence, if the county is within the state or  
2 within 500 miles from the county of incarceration. This subdivision  
3 does not authorize expenditure of money from the inmate welfare  
4 fund for the transfer of any inmate to the custody of any other law  
5 enforcement official or jurisdiction.

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

7 6030. (a) ~~The Board of State and Community Corrections shall~~  
8 ~~establish minimum standards for local correctional facilities. The~~  
9 ~~board shall review those standards biennially and make any~~  
10 ~~appropriate revisions.~~

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

15 (c) ~~The standards shall require that at least one person on duty~~  
16 ~~at the facility is knowledgeable in the area of fire and life safety~~  
17 ~~procedures.~~

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

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

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

24 (2) ~~Prenatal and post partum information and health care,~~  
25 ~~including, but not limited to, access to necessary vitamins as~~  
26 ~~recommended by a doctor.~~

27 (3) ~~Information pertaining to childbirth education and infant~~  
28 ~~care.~~

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

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

37 (g) ~~The standards shall also include requirements related to~~  
38 ~~visitation that prohibit video or other types of electronic visitation~~  
39 ~~from replacing in-person visits.~~

1 ~~(h) In establishing minimum standards, the board shall seek the~~  
2 ~~advice of the following:~~

3 ~~(1) For health and sanitary conditions:~~

4 ~~The State Department of Public Health, physicians, psychiatrists,~~  
5 ~~local public health officials, and other interested persons.~~

6 ~~(2) For fire and life safety:~~

7 ~~The State Fire Marshal, local fire officials, and other interested~~  
8 ~~persons.~~

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

11 ~~The Department of Corrections and Rehabilitation, state and~~  
12 ~~local juvenile justice commissions, state and local correctional~~  
13 ~~officials, experts in criminology and penology, and other interested~~  
14 ~~persons.~~

15 ~~(4) For personnel training:~~

16 ~~The Commission on Peace Officer Standards and Training,~~  
17 ~~psychiatrists, experts in criminology and penology, the Department~~  
18 ~~of Corrections and Rehabilitation, state and local correctional~~  
19 ~~officials, and other interested persons.~~

20 ~~(5) For female inmates and pregnant inmates in local adult and~~  
21 ~~juvenile facilities:~~

22 ~~The California State Sheriffs' Association and Chief Probation~~  
23 ~~Officers' of California, and other interested persons.~~

24 ~~(6) For visitation:~~

25 ~~The California State Sheriffs' Association, organizations working~~  
26 ~~directly with people who are incarcerated, organizations working~~  
27 ~~directly with, or that are operated by, family members of people~~  
28 ~~who are incarcerated, and other interested persons.~~

29 ~~SEC. 4. Section 210 of the Welfare and Institutions Code is~~  
30 ~~amended to read:~~

31 ~~210. (a) The Board of State and Community Corrections shall~~  
32 ~~adopt minimum standards for the operation and maintenance of~~  
33 ~~juvenile halls for the confinement of minors. The board shall~~  
34 ~~review those standards biennially and make appropriate revisions.~~

35 ~~(b) The standards adopted pursuant to subdivision (a) shall~~  
36 ~~include requirements that prohibit video or other types of electronic~~  
37 ~~visitation from replacing in-person visits.~~

38 ~~SEC. 5. Section 885 of the Welfare and Institutions Code is~~  
39 ~~amended to read:~~

1 885. ~~(a) The Board of State and Community Corrections shall~~  
2 ~~adopt and prescribe the minimum standards of construction,~~  
3 ~~operation, programs of education and training, and qualifications~~  
4 ~~of personnel for juvenile ranches, camps, or forestry camps~~  
5 ~~established under Section 881. The board shall review those~~  
6 ~~standards biennially and make appropriate revisions.~~

7 ~~(b) The standards adopted pursuant to subdivision (a) shall also~~  
8 ~~include requirements that prohibit video or other types of electronic~~  
9 ~~visitation from replacing in-person visits.~~

10 ~~(c) The board shall conduct a biennial inspection of each juvenile~~  
11 ~~ranch, camp, or forestry camp situated in this state that, during the~~  
12 ~~preceding calendar year, was used for confinement of any minor~~  
13 ~~for more than 24 hours.~~

14 ~~(d) The custodian of each juvenile ranch, camp, or forestry camp~~  
15 ~~shall make any reports that may be required by the board to~~  
16 ~~effectuate the purposes of this section.~~

17 *SEC. 2. Section 4032 is added to the Penal Code, to read:*

18 *4032. (a) A local detention facility shall not utilize video or*  
19 *other types of electronic visitation to replace in-person visitation.*

20 *(b) A local detention facility shall also comply with both of the*  
21 *following:*

22 *(1) Sentenced incarcerated persons in a Type I facility and all*  
23 *incarcerated persons in a Type II facility shall be allowed no fewer*  
24 *than two in-person visits totaling at least one hour per incarcerated*  
25 *person each week.*

26 *(2) Incarcerated persons in a Type III facility or a Type IV*  
27 *facility shall be allowed no fewer than one in-person visit totaling*  
28 *at least one hour per incarcerated person each week.*

29 *(c) For purposes of this section, all of the following definitions*  
30 *apply:*

31 *(1) "In-person visit" or "in-person visitation" means a visit or*  
32 *visitation during which an incarcerated person has contact with*  
33 *a visitor, is able to see a visitor through glass, or is otherwise in*  
34 *an open room without contact with a visitor.*

35 *(2) "Local detention facility" has the same meaning as defined*  
36 *in Section 6031.4.*

37 *(3) "Type I facility" means a local detention facility used for*  
38 *the detention of persons for not more than 96 hours, excluding*  
39 *holidays, after booking. "Type I facility" also includes a local*  
40 *detention facility that detains a person on court order for his or*

1 *her own safekeeping or a person sentenced to a city jail as an*  
2 *incarcerated person worker, or that houses incarcerated person*  
3 *workers sentenced to the county jail, provided the placement in*  
4 *the facility is made on a voluntary basis on the part of the*  
5 *incarcerated person. As used in this paragraph, “incarcerated*  
6 *person worker” means a person assigned to perform designated*  
7 *tasks outside of his or her cell or dormitory, pursuant to the written*  
8 *policy of the facility, for a minimum of four hours each day on a*  
9 *five-day scheduled work week.*

10 (4) *“Type II facility” means a local detention facility used for*  
11 *the detention of persons pending arraignment, during trial, and*  
12 *upon a sentence of commitment.*

13 (5) *“Type III facility” means a local detention facility used only*  
14 *for the detention of convicted and sentenced persons.*

15 (6) *“Type IV facility” means a local detention facility or portion*  
16 *of the facility designated for the housing of incarcerated persons*  
17 *eligible pursuant to Section 1208 for work furlough, education*  
18 *furlough, or other programs involving incarcerated person access*  
19 *into the community.*

20 (d) *On and after January 1, 2017, a city, county, city and county,*  
21 *or other local entity shall not enter into, renew, extend, or amend*  
22 *a contract with a private prison corporation that does not provide*  
23 *persons to be incarcerated or detained at the private prison*  
24 *corporation’s facility, at a minimum, the same amount of in-person*  
25 *visitation required by paragraph (1) of subdivision (b) for a Type*  
26 *II facility.*

27 *SEC. 3. Section 210.05 is added to the Welfare and Institutions*  
28 *Code, to read:*

29 210.05. (a) *A juvenile hall for the confinement of minors shall*  
30 *not utilize video or other types of electronic visitation to replace*  
31 *in-person visitation.*

32 (b) *A juvenile hall for the confinement of minors shall also*  
33 *comply with all of the following with respect to in-person visitation:*

34 (1) *Incarcerated minors shall be allowed to receive in-person*  
35 *visits by parents, guardians, or persons standing in loco parentis,*  
36 *at reasonable times, subject only to the limitations necessary to*  
37 *maintain order and security.*

38 (2) *Opportunity for in-person visitation shall be a minimum of*  
39 *two hours per week.*

1 (3) *In-person visits may be supervised, but conversations shall*  
2 *not be monitored unless there is a security or safety need.*

3 (c) *For purposes of this section, “in-person visit” or “in-person*  
4 *visitation” means a visit or visitation during which an incarcerated*  
5 *minor has contact with a visitor, is able to see a visitor through*  
6 *glass, or is otherwise in an open room without contact with a*  
7 *visitor.*

8 *SEC. 4. Section 885.5 is added to the Welfare and Institutions*  
9 *Code, to read:*

10 885.5. (a) *A juvenile ranch, camp, or forestry camp established*  
11 *under Section 881 shall not utilize video or other types of electronic*  
12 *visitation to replace in-person visitation.*

13 (b) *A juvenile ranch, camp, or forestry camp established under*  
14 *Section 881 shall also comply with all of the following with respect*  
15 *to in-person visitation:*

16 (1) *Minors shall be allowed to receive in-person visits by*  
17 *parents, guardians, or persons standing in loco parentis, at*  
18 *reasonable times, subject only to the limitations necessary to*  
19 *maintain order and security.*

20 (2) *Opportunity for in-person visitation shall be a minimum of*  
21 *two hours per week.*

22 (3) *In-person visits may be supervised, but conversations shall*  
23 *not be monitored unless there is a security or safety need.*

24 (c) *For purposes of this section, “in-person visit” or “in-person*  
25 *visitation” means a visit or visitation during which a minor has*  
26 *contact with a visitor, is able to see a visitor through glass, or is*  
27 *otherwise in an open room without contact with a visitor.*

28 *SEC. 5. If the Commission on State Mandates determines that*  
29 *this act contains costs mandated by the state, reimbursement to*  
30 *local agencies and school districts for those costs shall be made*  
31 *pursuant to Part 7 (commencing with Section 17500) of Division*  
32 *4 of Title 2 of the Government Code.*