

ASSEMBLY BILL

No. 529

Introduced by Assembly Member Setencich

February 17, 1995

An act to amend Sections 5006 and 5006.1 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 529, as introduced, Setencich. Corrections: Inmate Welfare Fund.

(1) Existing law provides that the money in the Inmate Welfare Fund of the Department of Corrections shall be used for the benefit, education, and welfare of inmates of prisons and institutions of the Department of Corrections.

This bill would provide that no state funds shall be deposited in the Inmate Welfare Fund for the benefit of prisoners and that state funds shall be used for only educational and vocational programs authorized by the Department of Corrections.

(2) Existing law provides that money in the Inmate Welfare Fund shall not be expended to pay charges for special event staff overtime, television repair and recordings, athletic and recreation supplies, athletic uniforms, and original complement of television sets and replacement of television equipment, but that the Department of Corrections shall pay those charges out of any money appropriated for those purposes.

This bill would, instead, require the money in the Inmate Welfare Fund to be expended to pay the charges specified

above plus any charges related to musical, cultural, athletic, recreational, or other noneducational or nonvocational events, would delete the clause requiring the Department of Corrections to pay those charges out of any money appropriated for those purposes, and would provide that the department shall be reimbursed from the fund for any charges paid in support of those purposes.

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 5006 of the Penal Code is
 2 amended to read:
 3 5006. (a) All moneys now held for the benefit of
 4 prisoners including that known as the Inmate Canteen
 5 Fund of the California Institution for Men, and the
 6 Inmate Welfare Fund of the California Institution for
 7 Women, and the Trust Contingent Fund of the State
 8 Prison at Folsom, and the S.P.L. Commissary, Canteen
 9 Account, Hobby Association, Camp Account, Library
 10 Fund, News Agency of the State Prison at San Quentin,
 11 the Prisoners' Fund, and the Prisoners' Employment
 12 Fund, shall be deposited in the Inmate Welfare Fund of
 13 the Department of Corrections, in the State Treasury,
 14 which fund is hereby created. The money in the fund shall
 15 be used for the benefit, education, and welfare of inmates
 16 of prisons and institutions under the jurisdiction of the
 17 Department of Corrections, including, but not limited to,
 18 the establishment, maintenance, employment of
 19 personnel for, and purchase of items for sale to inmates
 20 at canteens maintained at the state institutions, and for
 21 the establishment, maintenance, employment of
 22 personnel and necessary expenses in connection with the
 23 operation of the hobby shops at institutions under the
 24 jurisdiction of the Department of Corrections.
 25 (b) There shall be deposited in the Inmate Welfare
 26 Fund all net proceeds from the operation of canteens and
 27 hobby shops and any moneys which may be assigned to
 28 the state prison by prisoners for deposit in the fund. The



1 moneys in the fund shall constitute a trust held by the
2 Director of Corrections for the benefit and welfare as
3 herein defined of all of the inmates of institutions and
4 prisons under the jurisdiction of the Department of
5 Corrections.

6 *(c) No state funds shall be deposited in the Inmate
7 Welfare Fund for the benefit of prisoners. State funds
8 shall be used for only educational and vocational
9 programs authorized by the Department of Corrections,
10 including, but not limited to, the purchase of textbooks,
11 instructional videos, correspondence or departmental
12 self-study courses, and miscellaneous pamphlets and
13 related items that are part of organized educational
14 courses. The department shall pay the charges out of any
15 moneys appropriated for those programs.*

16 *(d) The Department of Finance shall conduct a
17 biennial audit of the Inmate Welfare Fund to include an
18 audit report which shall summarize expenditures from
19 the fund by major categories. At the end of each
20 intervening fiscal year, a statement of operations shall be
21 prepared which shall contain the same information as
22 would be provided in the biennial audit. At least one copy
23 of any statement of operations or audit report shall be
24 placed in each library maintained by the Department of
25 Corrections and shall be available there to any inmate.*

26 SEC. 2. Section 5006.1 of the Penal Code is amended
27 to read:

28 5006.1. Notwithstanding any provision in Section
29 5006, money in the Inmate Welfare Fund shall ~~not~~ be
30 expended to pay charges for any or all of the following
31 purposes:

- 32 (a) Overtime for staff coverage of special events.
- 33 (b) Television repair and recordings.
- 34 (c) Athletic and recreation supplies.
- 35 (d) Athletic uniforms.
- 36 (e) Original complement of television sets and
37 replacement of television equipment.

38 ~~The department shall pay such charges out of any
39 money appropriated for such purposes.~~

40 *(f) Music instruments and sheet music.*



- 1 (g) *Cultural events and related activity.*
- 2 (h) *Athletic, recreational, or other noneducational or*
- 3 *nonvocational training activity.*
- 4 *The department shall be reimbursed from the Inmate*
- 5 *Welfare Fund for any charges paid in support of these*
- 6 *purposes.*

