

AMENDED IN SENATE AUGUST 6, 1996
AMENDED IN ASSEMBLY JANUARY 29, 1996
AMENDED IN ASSEMBLY JANUARY 23, 1996
AMENDED IN ASSEMBLY JANUARY 9, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 881

Introduced by Assembly Member Rogan

(Principal coauthor: Senator Costa)

(Coauthors: Assembly Members Ackerman, Alby, Baldwin, Battin, Boland, Bordonaro, Bowler, Brulte, Conroy, Cunneen, Gallegos, Harvey, Kaloogian, Katz, Knight, Martinez, Morrow, Olberg, Rainey, Richter, and Takasugi)

(Coauthors: Senators Haynes, Johnson, and Mountjoy)

February 22, 1995

~~An act to amend Sections 1170, 2930, and 2933 of, and to add Sections 1171, 2932.5, and 2936 to, the Penal Code, relating to~~
An act to add Section 2932.5 to the Penal Code, relating to
prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 881, as amended, Rogan. ~~Sentencing: incarceration: conduct~~ *Prisoners: frivolous lawsuits.*

~~(1) Existing law provides for determinate sentencing for certain crimes classified as felonies.~~

~~This bill would provide that the entire sentence imposed on a person who commits a crime after January 1, 1997, shall~~

~~include the total term of imprisonment imposed by the court for the offense, plus the possibility of serving up to $\frac{1}{3}$ of the total term of imprisonment for acts of misconduct committed while serving the term of imprisonment imposed by the court, whether or not prosecution is undertaken.~~

~~(2) Existing law requires the department to inform certain prisoners sentenced under determinate sentencing law of all applicable prison rules and regulations including the possibility of receiving a $\frac{1}{3}$ reduction of the sentence for good behavior and participation.~~

~~This bill would require the department to inform every prisoner, sentenced for a crime committed on or after January 1, 1997, of all applicable prison rules and regulations and its authority to retain the prisoner in custody pursuant to (1) for misconduct committed while serving the sentence. The bill would specify the procedures for determining the length of time that the department may retain a prisoner in custody for misconduct.~~

~~(3) Existing~~

~~Existing law specifies circumstances under which a prisoner may be denied or lose worktime credit because of the commission of new crimes or misconduct.~~

~~This bill would *authorize require* the Department of Corrections to deny or take away 30 days of worktime credit if, after a review by, and recommendations from, the Attorney General and subsequent notice and a hearing, or upon a finding by a court, administrative board, or administrative hearing officer, it is found that the prisoner did certain acts related to filing and pursuing a frivolous lawsuit. The bill would provide that a party who has reasonable cause to believe that a prisoner has engaged in the proscribed conduct may request a trier of fact to make that finding. This bill would also provide that a prisoner engaging in certain acts relating to filing and pursuing a frivolous lawsuit may alternatively be punished as specified in (1) above *a prisoner is found by a court to have engaged in bad-faith actions or tactics that are frivolous, as defined.*~~

~~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 1170 of the Penal Code is~~
2 *SECTION 1. Section 2932.5 is added to the Penal*
3 *Code, to read:*
4 *2932.5. A prisoner who is found by a trial court,*
5 *pursuant to Section 128.5 of the Code of Civil Procedure,*
6 *to have engaged in bad-faith actions or tactics that are*
7 *frivolous, shall be denied or lose 30 days of worktime*
8 *credit awarded under Section 2933.*

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11 **All matter omitted in this version of the**
12 **bill appears in the bill as amended in the**
13 **Assembly, January 29, 1996 (JR 11)**
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