

ASSEMBLY BILL

No. 1655

Introduced by Assembly Member Wright

January 8, 1998

An act to amend Section 4016.5 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1655, as introduced, R. Wright. Corrections: prisoner detention.

Existing law requires the Department of Corrections to reimburse counties for county jail detention costs resulting from the detention of state prisoners or parolees and from parole revocation proceedings when the detention meets any of specified conditions, including when the detention results from a violation of the conditions of parole or the rules of the Director of Corrections.

This bill would additionally include the condition when the detention results from a sentence imposing a term in the state prison.

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 4016.5 of the Penal Code is
- 2 amended to read:
- 3 4016.5. A city or county shall be reimbursed by the
- 4 Department of Corrections for costs incurred resulting

1 from the detention of state prisoners or parolees and from
2 parole revocation proceedings when the detention meets
3 any of the following conditions:

4 (a) The detention relates to a violation of the
5 conditions of parole or the rules and regulations of the
6 Director of Corrections and does not relate to a new
7 criminal charge.

8 (b) The detention is pursuant to (1) an order of the
9 Board of Prison Terms under the authority granted by
10 Section 3060, or (2) an order of the Governor under the
11 authority granted by Section 3062 or (3) an exercise of a
12 state parole or correctional officer's peace officer powers
13 as specified in Section 830.5.

14 (c) Security services and facilities are provided for
15 hearings which are conducted by the Board of Prison
16 Terms to revoke parole.

17 (d) *The detention results from a sentence imposing a*
18 *term in state prison.*

19 Such reimbursement shall be expended for
20 maintenance, upkeep, and improvement of jail
21 conditions, facilities, and services. Before the county is
22 reimbursed by the department, the total amount of all
23 charges against that county authorized by law for services
24 rendered by the department shall be first deducted from
25 the gross amount of reimbursement authorized by this
26 section. The net reimbursement shall be calculated and
27 paid monthly by the department. The department shall
28 withhold all or part of the net reimbursement to a county
29 whose jail facility or facilities do not conform to minimum
30 standards for local detention facilities as authorized by
31 Section 6030 only if the county is failing to make
32 reasonable efforts to correct differences, with
33 consideration given to the resources available for those
34 purposes.

35 "Costs incurred resulting from the detention," as used
36 in this section, shall include the same cost factors as are
37 utilized by the Department of Corrections in



- 1 determining the cost of prisoner care in state correctional
- 2 facilities.

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