

**Assembly Bill No. 2649**

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Passed the Assembly August 11, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate August 6, 1998

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to add Sections 4017.1 and 5071 to the Penal Code, and to add Section 219.5 to the Welfare and Institutions Code, relating to corrections.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2649, Figueroa. Corrections: detainees: prohibited employment.

Under existing law, persons detained in local jails, juvenile detention centers, and state prison facilities may be ordered or assigned to perform certain kinds of employment.

This bill would prohibit these persons from performing functions that provide access to personal information including, but not limited to, social security numbers, addresses, driver's license numbers, credit card numbers, or telephone numbers of private individuals, if that person has been convicted of, or adjudicated to have committed, certain offenses. The bill also would require any person confined in a county jail, industrial farm, road camp, or city jail, or who is a prison inmate or ward of the juvenile court or the Department of the Youth Authority, and who has access to any personal information, to disclose that fact before taking any personal information from anyone. The bill would require that any program involving the taking of personal information over the telephone by a ward of the court or the Department of the Youth Authority, be subject to random monitoring of those telephone calls, and provide supervision of the wards' activities. The bill would also exempt from its provisions, inmates and wards in employment programs or public service facilities where incidental contact with personal information may occur.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4017.1 is added to the Penal Code, to read:



4017.1. (a) Any person confined in a county jail, industrial farm, road camp, or city jail who is required or permitted by an order of the board of supervisors or city council to perform work shall not be employed to perform any function that provides access to personal information including, but not limited to, social security numbers, addresses, driver's license numbers, credit card numbers, or telephone numbers of private individuals if that person has been convicted of an offense described by any of the following categories:

(1) An offense involving forgery or fraud.

(2) An offense involving misuse of a computer.

(3) An offense for which the person is required to register as a sex offender pursuant to Section 290.

(4) An offense involving any misuse of the personal or financial information of another person.

(b) Any person confined in a county jail, industrial farm, road camp, or city jail who has access to any personal information shall disclose that he or she is confined before taking any personal information from anyone.

(c) This section shall not apply to inmates in employment programs or public service facilities where incidental contact with personal information may occur.

SEC. 2. Section 5071 is added to the Penal Code, to read:

5071. (a) The Director of Corrections shall not assign any prison inmate to employment that provides that inmate with access to personal information including, but not limited to, social security numbers, addresses, driver's license numbers, credit card numbers, or telephone numbers of private individuals if that person has been convicted of an offense described by any of the following categories:

(1) An offense involving forgery or fraud.

(2) An offense involving misuse of a computer.

(3) An offense for which the person is required to register as a sex offender pursuant to Section 290.

(4) An offense involving any misuse of the personal or financial information of another person.



(b) Any person who is a prison inmate, and who has access to any personal information, shall disclose that he or she is a prison inmate before taking any personal information from anyone.

(c) This section shall not apply to inmates in employment programs or public service facilities where incidental contact with personal information may occur.

SEC. 3. Section 219.5 is added to the Welfare and Institutions Code, to read:

219.5. (a) No ward of the juvenile court or Department of the Youth Authority shall perform any function that provides access to personal information including, but not limited to, social security numbers, addresses, driver's license numbers, or telephone numbers of private individuals if that person has been adjudicated to have committed an offense described by any of the following categories:

(1) An offense involving forgery or fraud.

(2) An offense involving misuse of a computer.

(3) An offense for which the person is required to register as a sex offender pursuant to Section 290 of the Penal Code.

(4) An offense involving any misuse of the personal or financial information of another person.

(b) If asked, any person who is a ward of the juvenile court or the Department of the Youth Authority, and who has access to any personal information, shall disclose that he or she is a ward of the juvenile court or the Department of the Youth Authority before taking any personal information from anyone.

(c) Any program involving the taking of personal information over the telephone by a person who is a ward of the juvenile court or the Department of the Youth Authority, shall be subject to random monitoring of those telephone calls.

(d) Any program involving the taking of personal information by a person who is a ward of the juvenile court or the Department of the Youth Authority shall provide supervision at all times of the wards' activities.



(e) This section shall not apply to wards in employment programs or public service facilities where incidental contact with personal information may occur.



Approved \_\_\_\_\_, 1998

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*Governor*

