

Introduced by Senator McPherson

February 20, 1997

An act to amend Sections 2002, 3201, 5002, and 7003 of the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as introduced, McPherson. Prisons.

Existing law provides that the primary purpose of the California Institution for Men shall be for the imprisonment of male offenders who, in the opinion of the Department of Corrections, seem capable of moral rehabilitation and restoration to good citizenship. Existing law provides that the purpose of the California Institution for Women is to provide custody, care, protection, industrial, vocational, and other training, and reformatory help, for women confined therein.

Existing law vests the Department of Corrections with the duties and powers of certain departments, boards, bureaus, and commissions related to corrections, and requires the department to submit site plans and project planning guides for prisons proposed to be constructed under the state master plan.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 2002 of the Penal Code is
2 amended to read:

3 2002. The primary purpose of the California
4 Institution for Men ~~shall be for~~ is the imprisonment of
5 male offenders who, in the opinion of the ~~department~~
6 *Department of Corrections*, seem capable of moral
7 rehabilitation and restoration to good citizenship.

8 SEC. 2. Section 3201 of the Penal Code is amended to
9 read:

10 3201. The purpose of ~~said institution shall be the~~
11 *California Institution for Women* is to provide custody,
12 care, protection, industrial, vocational, and other
13 training, and reformatory help, for women confined
14 therein.

15 SEC. 3. Section 5002 of the Penal Code is amended to
16 read:

17 5002. (a) The department shall succeed to, and is
18 hereby vested with, all of the powers and duties exercised
19 and performed by the following departments, boards,
20 bureaus, commissions, and officers when ~~such~~ *those*
21 powers and duties are not otherwise vested by law:

- 22 (1) The Department of Penology.
- 23 (2) The State Board of Prison Directors.
- 24 (3) The Bureau of Paroles.
- 25 (4) The warden and the clerk of the California State
26 Prison at San Quentin.
- 27 (5) The warden and the clerk of the California State
28 Prison at Folsom.
- 29 (6) The warden of and the clerk of the California
30 Institution for Men.
- 31 (7) The California Crime Commission.

32 (b) Whenever any designation of any of the
33 departments, boards, bureaus, commissions, or officers
34 mentioned in subdivision (a) is contained in any
35 provision of law and this designation is expressly made to
36 refer to the Department of Corrections, the Board of
37 Corrections or the Board of Prison Terms, then the
38 Department of Corrections, the Board of Corrections or



1 the Board of Prison Terms, to whichever one the
2 designation is made to refer, shall exercise the power or
3 perform the duty heretofore exercised or performed by
4 the particular departments, boards, bureaus, or officers
5 mentioned in subdivision (a).

6 (c) The powers and duties of the State Board of Prison
7 Directors and of the clerks of the state prisons and the
8 California Institution for Men are transferred to, and shall
9 be exercised and performed by, the Department of
10 Corrections, except as may be otherwise expressly
11 provided by law.

12 (d) The powers and duties of wardens of the state
13 prisons and the California Institution for Men, ~~presently~~
14 ~~or hereafter~~, expressly vested by law in them shall be
15 exercised by them ~~but such exercise shall be~~ subject to the
16 supervision and control of the Director of Corrections. All
17 powers and duties not expressly vested in the wardens are
18 transferred to, and shall be exercised and performed by,
19 the Department of Corrections. When the designation of
20 warden is expressly made to refer to the Department of
21 Corrections, the department shall exercise the power and
22 perform the duty heretofore exercised or performed by
23 the warden.

24 (e) The Board of Prison Terms shall succeed to, and is
25 hereby vested with, all of the powers and duties exercised
26 and performed by the following boards when ~~such~~ *those*
27 powers and duties are not otherwise vested by law:

- 28 (1) The Board of Prison Terms and Paroles.
- 29 (2) The Advisory Pardon Board.
- 30 (3) The Adult Authority.
- 31 (4) The Women's Board of Terms and Paroles.
- 32 (5) The Community Release Board.

33 SEC. 4. Section 7003 of the Penal Code is amended to
34 read:

35 7003. (a) For each facility included within its master
36 plan, at least 30 days prior to submission pursuant to
37 subdivision (b), the department shall submit the site
38 plans and project planning guide which is to include
39 preliminary staffing ratios, to the Joint Legislative



1 Committee on Prison Construction and ~~Operation~~
2 *Operations* for review.

3 The ~~chairman~~ *chairperson* may request a longer period
4 of review if necessary for the committee and if feasible for
5 compliance by the department.

6 (b) The department shall submit completed
7 preliminary plans, proposed staffing patterns, and
8 proposed inmate work programs for all facilities included
9 within its master plan, ~~as defined in subdivision (b) of~~
10 ~~Section 7000~~, as soon as is practicable, but no later than 30
11 days prior to submission to the *State Public Works Board*,
12 ~~to~~ the Joint Legislative Committee on Prison
13 Construction and ~~Operation~~ *Operations*, and the fiscal
14 committees of the Senate and Assembly, for review and
15 approval. The department shall submit proposed staffing
16 patterns at the time preliminary plans for inmate housing
17 facilities are submitted. The department shall submit
18 proposed inmate work-training programs at the time
19 preliminary plans for the industrial vocational education
20 buildings are submitted.

21 If each committee does not, by majority vote of the
22 committee membership, approve the submittal, the *State*
23 *Public Works Board* shall not act upon the affected plans.
24 If a committee fails to take any action with respect to the
25 submitted plans within 45 days after submittal, this
26 inaction shall be deemed to be approval for purposes of
27 this section.

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