

AMENDED IN SENATE MAY 1, 1997  
AMENDED IN SENATE MARCH 31, 1997

**SENATE BILL**

**No. 491**

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**Introduced by Senator McPherson**

February 20, 1997

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An act to add Chapter 17 (commencing with Section 7440) to Title 7 of Part 3 of the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, McPherson. Prison Inmate Population Housing Plan.

Existing law gives the Department of Corrections jurisdiction over all state adult correctional facilities *and the Department of the Youth Authority jurisdiction over state juvenile facilities.*

This bill would require the ~~department~~ *Department of Corrections and the Department of the Youth Authority* to annually submit a report to the Legislature detailing classification levels, security levels, and costs of inmates incarcerated in youth or adult state correctional facilities. The bill would require the Legislative Analyst's office to submit a report to the Legislature ~~regarding the costs of housing inmates in correctional facilities.~~ *The bill also would require the department to house certain low-security inmates in facilities that yield the lowest cost to the state reviewing and assessing the departments' reports.*

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. This act shall be known and may be cited  
2 as the Prison Inmate Population Housing Plan.

3 SEC. 2. The Legislature finds and declares all of the  
4 following:

5 (a) The state’s prison population is projected to  
6 experience constant growth under existing sentencing  
7 trends.

8 (b) The fiscal implications of housing state prison  
9 inmates will have debilitating effects on many  
10 state-funded programs, including higher education.

11 (c) The practice of housing minimum security inmates  
12 in medium and maximum security facilities is a needless  
13 drain on the state’s limited fiscal resources.

14 (d) Accurate classification and appropriate housing of  
15 inmates will make available much needed bedspace for  
16 the most violent offenders. Proper utilization of existing  
17 facilities and alternative programs such as  
18 community-based punishment options are cost-effective  
19 means of housing minimum security inmates while  
20 maintaining public safety.

21 SEC. 3. Chapter 17 (commencing with Section 7440)  
22 is added to Title 7 of Part 3 of the Penal Code, to read:

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24 CHAPTER 17. PRISON INMATE POPULATION HOUSING PLAN

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26 7440. (a) As used in this chapter, “correctional  
27 institution” means any facility under the jurisdiction of  
28 the Department of Corrections or the Department of the  
29 Youth Authority.

30 (b) As used in this chapter, “inmate” includes any  
31 person incarcerated in a correctional institution.

32 7441. The Department of Corrections *and the*  
33 *Department of the Youth Authority, for institutions*  
34 *under their respective jurisdictions,* annually shall submit  
35 to the Senate Committee on Public Safety—~~and,~~ the  
36 Assembly Committee on Public Safety, *the Senate*  
37 *Budget and Fiscal Review Committee, the Assembly*  
38 *Budget Committee, the Joint Committee on Prison*



1 *Construction and Operations, and the Joint Legislative*  
2 *Budget Committee, by May 14th, a report detailing all of*  
3 *the following for each correctional institution:*

4 (a) ~~The classification level of each inmate levels of the~~  
5 *inmate population.*

6 (b) The criteria used in determining the classification  
7 levels.

8 (c) The institution's security level.

9 (d) The criteria used in determining the institution's  
10 security level.

11 (e) ~~The location of each inmate, by security level, of~~  
12 *the inmate population within the institution, by*  
13 *classification level.*

14 (f) The justification for housing inmates outside of  
15 their classification level, if applicable.

16 (g) The estimated *average* annual cost of housing for  
17 each security level of the institution.

18 (h) The criteria used in determining those costs.

19 (i) *The estimated average annual cost of housing for*  
20 *community correctional facilities.*

21 (j) *The criteria used in determining those costs.*

22 7442. The Legislative Analyst's office annually shall  
23 submit to the Senate Committee on Public Safety ~~and, the~~  
24 *Assembly Committee on Public Safety, the Senate*  
25 *Budget and Fiscal Review Committee, the Assembly*  
26 *Budget Committee, the Joint Committee on Prison*  
27 *Construction and Operations, and the Joint Legislative*  
28 *Budget Committee, a report ~~estimating the total cost of~~*  
29 *housing for each correctional institution, by security*  
30 *level, and the criteria used by the Legislative Analyst's*  
31 *office in determining those costs.*

32 7443. ~~The Department of Corrections shall~~  
33 ~~incarcerate inmates to whom both of the following~~  
34 ~~conditions apply in correctional institutions that yield the~~  
35 ~~lowest cost to the state, based on the reports submitted~~  
36 ~~pursuant to this chapter:~~

37 (a) ~~The inmate has no history of escape or attempted~~  
38 ~~escape.~~

39 (b) ~~The inmate is not currently incarcerated for, nor~~  
40 ~~has a criminal record that includes a conviction under any~~



1 of the following provisions of the Penal Code: Section 69  
2 or 191.5, subdivision (b) of Section 192, paragraph (1) or  
3 (3) of subdivision (c) of Section 192, subdivision (a) of  
4 Section 217.1, Section 243, 243.1, or 243.3, subdivision (a),  
5 (e), or (d) of Section 243.4, Section 244, 245, 245.3, 246,  
6 261.5, 266f, or 266h, subdivision (a) of Section 273, Section  
7 273d, 273.5, 278, or 285, paragraph (2) of subdivision (b)  
8 and subdivision (e) of Section 286, subdivision (e) of  
9 Section 288, Section 288a, subdivision (b), (h), or (i) of  
10 Section 289, subdivision (b) of Section 311.2, subdivision  
11 (e) of Section 311.4, Section 417.6, subdivision (b) or (c)  
12 of Section 452, Section 455, 626.9, or 647.6, any crime listed  
13 in subdivision (c) of Section 667 or subdivision (c) of  
14 Section 1192.7, Section 4131.5, 4501.5, 12021, or 12021.1,  
15 subdivision (a) or (b) of Section 12025, subdivision (a) of  
16 Section 12220, or subdivision (b) of Section 12280, or any  
17 offense in another state that has the same elements as any  
18 of those provisions; *reviewing and assessing the reports of*  
19 *the Department of Corrections and the Department of*  
20 *the Youth Authority submitted pursuant to Section 7441.*  
21 *The Legislative Analyst's office shall identify any*  
22 *significant issues arising from its review of the*  
23 *departments' estimates.*

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