

AMENDED IN SENATE JUNE 28, 1999  
AMENDED IN SENATE JUNE 17, 1999  
AMENDED IN ASSEMBLY APRIL 29, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1222**

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**Introduced by Assembly Member Kuehl**  
**(Coauthors: Assembly Members Aroner, *Bock*, Jackson,**  
**Keeley, Leach, Longville, *Romero*, and Strom-Martin)**  
(Coauthor: Senator Bowen)

February 26, 1999

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An act to amend Section 11191 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1222, as amended, Kuehl. Corrections.

Existing law establishes the Interstate Corrections Compact Act and the Western Interstate Corrections Compact Act which authorize states to enter into contracts with other party states for the confinement of inmates on behalf of the sending state in institutions situated within a receiving state. Any court, agency, or officer of this state with the authority to commit or transfer an inmate to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered into a contract for the confinement of inmates in that institution pursuant to a compact under one of the above acts.

This bill would prohibit an out-of-state inmate to be committed or transferred to any institution within this state for confinement unless this state has entered into a contract or contracts for the confinement of out-of-state inmates in that institution pursuant to one of the above-mentioned compacts. *This bill would express the Legislature’s intent that this provision does not apply to out-of-state inmates in the custody of specified federal agencies and contracts to place those inmates in a privately operated facility in California.*

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 11191 of the Penal Code is  
2 amended to read:  
3 11191. (a) Any court or other agency or officer of this  
4 state having power to commit or transfer an inmate (as  
5 defined in Article II(d) of the Interstate Corrections  
6 Compact or of the Western Interstate Corrections  
7 Compact) to any institution for confinement may  
8 commit or transfer an inmate to any institution within or  
9 without this state if this state has entered into a contract  
10 or contracts for the confinement of inmates in said  
11 institution pursuant to Article III of the Interstate  
12 Corrections Compact or of the Western Interstate  
13 Corrections Compact, but no inmate sentenced under  
14 California law may be committed or transferred to an  
15 institution outside of this state, unless he or she has  
16 executed a written consent to the transfer. The inmate  
17 shall have the right to a private consultation with an  
18 attorney of his or her choice, or with a public defender if  
19 the inmate cannot afford counsel, concerning his or her  
20 rights and obligations under this section, and shall be  
21 informed of that right prior to executing the written  
22 consent. At any time more than five years after the  
23 transfer, the inmate shall be entitled to revoke his or her  
24 consent and to transfer to an institution in this state. In  
25 these cases, the transfer shall occur within the next 30  
26 days.



1 (b) No out-of-state inmates (as defined in Article II(d)  
2 of the Interstate Corrections Compact or of the Western  
3 Interstate Corrections Compact) shall be committed or  
4 transferred to any institution within this state for  
5 confinement unless this state has entered into a contract  
6 or contracts for the confinement of out-of-state inmates  
7 in that institution pursuant to the Interstate Corrections  
8 Compact or the Western States Interstate Corrections  
9 Compact Act.

10 *SEC. 2. It is not the intent of the Legislature that the*  
11 *changes made to Section 11191 of the Penal Code by this*  
12 *act shall apply to out-of-state inmates in the custody of the*  
13 *Federal Bureau of Prisons, the United States Immigration*  
14 *and Naturalization Service, or the United States Marshal,*  
15 *and to contracts to place those inmates in a privately*  
16 *operated facility in California.*

