

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1478**

**Introduced by Assembly Member Baugh**

February 26, 1999

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An act to amend Section 6250.5 of the Penal Code, relating to community correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1478, as amended, Baugh. Community correctional facilities.

Existing law authorizes the Department of Corrections to administer and operate the state prison system, including the establishment and operation of community correctional centers.

~~This bill would authorize the Department of Corrections to contract for the construction, financing, and operation of an additional 5,000 community correctional facility beds.~~

*This bill would state findings and declarations of the Legislature, and would authorize the Department of Corrections to contract for the establishment and operation of community correctional facilities that are solely dedicated to the incarceration and care of geriatric, developmentally disabled, and mentally ill inmates, only if the cost per inmate of operating the facilities will be less than the cost per inmate of operating similar state facilities. The bill would require these facilities to provide programs that address the special needs of these inmates, including the consistent provision of*

health care and mental health care as needed. In addition, the bill would require that each facility be designed to maximize the personal security of inmates.

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.—The Department of Corrections may~~  
2 *SECTION 1. The Legislature finds and declares the*  
3 *following:*

4 (a) *The Department of Corrections, having entered*  
5 *into a settlement agreement in the case of Clark, et al v.*  
6 *California et al (N.D. CA, 96-1486), and having received*  
7 *a negative judgement in the case of Armstrong et al v.*  
8 *Wilson et al (N.D. CA, C-94-2307, currently under*  
9 *appeal), is required to prepare a plan to provide safe*  
10 *housing and meaningful treatment to developmentally*  
11 *disabled inmates, and to comply with the federal*  
12 *Americans with Disabilities Act by adequately protecting*  
13 *developmentally disabled inmates.*

14 (b) *It is estimated that the Department of Corrections*  
15 *has over 5,000 geriatric inmates in custody with special*  
16 *security and health needs, and over 10,000 inmates with*  
17 *serious mental illness.*

18 (c) *Experts believe that the special needs of these*  
19 *three inmate populations would be better addressed in*  
20 *smaller institutions that are solely dedicated to addressing*  
21 *their need for personal security, health care, and mental*  
22 *health care, and that it would be significantly less*  
23 *expensive to house inmates with similar special needs in*  
24 *free standing facilities.*

25 *SEC. 2. Section 6250.5 of the Penal Code is amended*  
26 *to read:*

27 6250.5. (a) *The Director of Corrections may contract*  
28 *for the establishment and operation of community*  
29 *correctional facilities that offer programs for the*  
30 *treatment of addiction to alcohol or controlled substances*  
31 *based on the therapeutic community model, only if the*  
32 *cost per inmate of operating the facilities will be less than*



1 the cost per inmate of operating similar state facilities.  
2 The Legislature finds and declares that the purpose of—  
3 *the therapeutic community correctional program*  
4 *authorized under this subdivision*, which emphasizes  
5 alcohol and controlled substance rehabilitation, is to  
6 substantially increase the likelihood of successful parole  
7 for those inmates.

8 ~~(b)~~ Each facility under contract pursuant to this  
9 ~~section~~ *subdivision* shall provide programs that prepare  
10 each inmate for successful reintegration into society.  
11 Those programs shall involve constant counseling in drug  
12 and alcohol abuse, employment skills, victim awareness,  
13 and family responsibility, and generally shall prepare  
14 each inmate for return to society. The programs also shall  
15 emphasize literacy training and use computer-supported  
16 training so that inmates may improve their reading and  
17 writing skills. The program shall include  
18 postincarceration counseling and care in order to ensure  
19 a greater opportunity for success.

20 *(b) The Director of Corrections may contract for the*  
21 *establishment and operation of community correctional*  
22 *facilities that are solely dedicated to the incarceration and*  
23 *care of geriatric, developmentally disabled, and mentally*  
24 *ill inmates, only if the cost per inmate of operating the*  
25 *facilities will be less than the cost per inmate of operating*  
26 *similar state facilities. The Legislature finds and declares*  
27 *that the purpose of the community correctional program*  
28 *authorized under this subdivision is to address the special*  
29 *needs of geriatric, developmentally disabled, and*  
30 *mentally ill inmates with regard to the provision of*  
31 *personal security and health care.*

32 *Each facility under contract pursuant to this*  
33 *subdivision shall provide programs that address the*  
34 *special needs of these inmates, including the consistent*  
35 *provision of health care and mental health care as*  
36 *needed. In addition, each facility shall be designed to*  
37 *maximize the personal security of inmates.*

38 (c) The department may enter into a long-term  
39 agreement, not to exceed 20 years, for transfer of



1 prisoners to, or placement of prisoners in, facilities under  
2 contract pursuant to this section.

3 (d) The department shall provide for the review of  
4 any agreement entered into under this section to  
5 determine if the contractor is in compliance with the  
6 terms of this section. The review shall be conducted at  
7 least every five years. The department may revoke any  
8 agreement if the contractor is not in compliance with this  
9 section.

10 (e) Notwithstanding the Public Contract Code or  
11 Article 10 (commencing with Section 1200) of Title 15 of  
12 the California Code of Regulations, the Department of  
13 Corrections shall select an independent contractor to  
14 conduct an annual audit and cost comparison evaluation  
15 of any programs established under this section. Any  
16 contract for annual audits and evaluation shall provide  
17 that the annual report, whether in final or draft form, and  
18 all working papers and data, shall be available for  
19 immediate review upon request by the department.  
20 ~~contract for the construction, financing, and operation of~~  
21 ~~an additional 5,000 community correctional facility~~  
22 ~~(CCF) beds.~~

