

AMENDED IN SENATE AUGUST 23, 2000

AMENDED IN ASSEMBLY APRIL 22, 1999

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1597

Introduced by Assembly Member Migden

February 26, 1999

~~An act to amend Sections 912, 912.5, and 1740 of, and to add Sections 734.5, 1720.5, and 1760.1 to, the Welfare and Institutions Code, relating to minors. An act to add Section 6107 to the Penal Code, relating to female prison inmates.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1597, as amended, Migden. ~~Department of the Youth Authority~~ *Female prison inmates: hospice.*

(1) Existing law establishes the California Medical Facility under the jurisdiction of the Department of Corrections for the receipt, segregation, confinement, treatment, and care of male prisoners who are, among other things, suffering from any chronic disease or condition. Existing law also authorizes the Director of the Department of Corrections to establish pilot projects in which the department contracts with private sector health care facilities for the provision of medical, developmental, and mental health services, including treatment for chronic diseases or conditions, and provides specified requirements on facilities used for this purpose.

This bill would require the Director of Corrections to ensure that all terminally ill female inmates receiving hospice care in the Central California Women's Facility in Chowchilla operated by the department receive a standard of hospice care, as defined, equivalent to the services provided by the hospice care unit at the California Medical Facility in Vacaville.

(2) This bill would also state the intent of the Legislature that the Department of Corrections and the University of California establish a medical residency program between the University of California and the California Medical Facility, as specified.

~~Existing law requires each county to pay to the state a specified fee for each person committed to the Department of the Youth Authority from that county. The amount of the fee varies depending upon the offense upon which the commitment is based.~~

~~This bill would provide for adjustment by the department of those fees every 3 years, commencing on a certain date, based on a specified price index.~~

~~Existing law requires the court, when committing a ward to the Department of the Youth Authority, to send to the director of the department a certified copy of the order of commitment and other specified information. Existing law also requires the Youthful Offender Parole Board to review the case of each ward at specified times and intervals.~~

~~This bill would require the court, when committing a ward to the department for one of a specified list of offenses, to set the initial parole consideration date for the ward and include that date in the order of commitment, and would require the Youthful Offender Parole Board to review the case of each of those wards, and his or her readiness for parole, on that initial parole consideration date.~~

~~Existing law requires the Department of the Youth Authority to provide for the education, training, and rehabilitation of wards committed to the department.~~

~~This bill would require the department, by a specified date, to develop and implement specified programing for amenable wards committed to the department for any of a list of specified offenses.~~



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.—Section 734.5 is added to the Welfare and~~
2 *SECTION 1. It is the intent of the Legislature to*
3 *encourage the Department of Corrections and the*
4 *University of California to establish a medical residency*
5 *program between the University of California and the*
6 *California Medical Facility. This residency program*
7 *should be required to meet all regular accreditation and*
8 *specialty certification requirements as any other medical*
9 *residency program operated by the University of*
10 *California.*
11 *SEC. 2. Section 6107 is added to the Penal Code, to*
12 *read:*
13 *6107. The Director of Corrections shall ensure that all*
14 *terminally ill female inmates receiving hospice care in*
15 *the Central California Women’s Facility in Chowchilla*
16 *operated by the Department of Corrections receive a*
17 *standard of hospice care equivalent to the services*
18 *provided by the hospice care unit at the California*
19 *Medical Facility in Vacaville. Hospice care, as used in this*
20 *section, refers to licensed services provided in*
21 *accordance with the adopted standards of the State*
22 *Department of Health Services to persons who can no*
23 *longer benefit from curative treatment, and who have a*
24 *life expectancy of six months or less.*
25 ~~Institutions Code, to read:~~
26 ~~734.5. Upon commitment of a ward to the~~
27 ~~Department of the Youth Authority for an offense listed~~
28 ~~in Sections 4955 to 4957, inclusive, of Title 15 of the~~
29 ~~California Code of Regulations, the judge of the court~~
30 ~~shall set an initial parole consideration date for the ward~~
31 ~~and shall include that date in the order of commitment~~
32 ~~delivered to the department.~~
33 ~~SEC. 2. Section 912 of the Welfare and Institutions~~
34 ~~Code is amended to read:~~



1 912. ~~(a) Effective January 1, 1997, for each person~~
2 ~~committed to the Department of the Youth Authority,~~
3 ~~the county from which he or she is committed shall pay~~
4 ~~the state one hundred fifty dollars (\$150) per month for~~
5 ~~the time that person remains in any institution under the~~
6 ~~direct supervision of the Department of the Youth~~
7 ~~Authority, or in any institution, boarding home, foster~~
8 ~~home, or other private or public institution in which he~~
9 ~~or she is placed by the Department of the Youth~~
10 ~~Authority, on parole or otherwise, and cared for and~~
11 ~~supported at the expense of the Department of the Youth~~
12 ~~Authority. This section applies to any person committed~~
13 ~~to the Department of the Youth Authority by a juvenile~~
14 ~~court, including persons committed to the Department of~~
15 ~~the Youth Authority prior to January 1, 1997, who on or~~
16 ~~after January 1, 1997, remain in or return to the facilities~~
17 ~~described in this section.~~

18 ~~(b) The fee described in subdivision (a) shall be~~
19 ~~adjusted by the department every third year beginning~~
20 ~~March 1, 2003, to reflect the percentage change in the~~
21 ~~annual average value of the Implicit Price Deflator for~~
22 ~~State and Local Government Purchases of Goods and~~
23 ~~Services for the United States, as published by the United~~
24 ~~States Department of Commerce, for the three-year~~
25 ~~period ending on December 31 of the preceding calendar~~
26 ~~year. The department shall, by regulation, establish the~~
27 ~~adjusted fee pursuant to this subdivision.~~

28 ~~(c) The Department of the Youth Authority shall~~
29 ~~present to the county, not more frequently than monthly,~~
30 ~~a claim for the amount due the state under this section,~~
31 ~~that the county shall process and pay pursuant to the~~
32 ~~provisions of Chapter 4 (commencing with Section~~
33 ~~29700) of Division 3 of Title 3 of the Government Code.~~

34 ~~SEC. 3. Section 912.5 of the Welfare and Institutions~~
35 ~~Code is amended to read:~~

36 ~~912.5. (a) For each person committed to the~~
37 ~~Department of the Youth Authority by a juvenile court on~~
38 ~~or after January 1, 1997, the county from which he or she~~
39 ~~is committed shall pay the state the following rate:~~



1 ~~(1) If the offense on which the commitment is based~~
2 ~~is listed in Section 4955 of Title 15 of the California Code~~
3 ~~of Regulations, the rate is 50 percent of the per capita~~
4 ~~institutional cost of the Department of the Youth~~
5 ~~Authority.~~

6 ~~(2) If the offense on which the commitment is based~~
7 ~~is listed in Section 4956 of Title 15 of the California Code~~
8 ~~of Regulations, the rate is 75 percent of the per capita~~
9 ~~institutional cost of the Department of the Youth~~
10 ~~Authority.~~

11 ~~(3) If the offense on which the commitment is based~~
12 ~~is listed in Section 4957 of Title 15 of the California Code~~
13 ~~of Regulations, the rate is 100 percent of the per capita~~
14 ~~institutional cost of the Department of the Youth~~
15 ~~Authority.~~

16 ~~(b) For purposes of this section, “the offense on which~~
17 ~~the commitment is based” means any offense that has~~
18 ~~been sustained by the juvenile court and that is included~~
19 ~~in the determination of the maximum term of~~
20 ~~imprisonment by the juvenile court pursuant to Section~~
21 ~~731.~~

22 ~~(c) For purposes of this section, the charge against the~~
23 ~~county shall not apply to periods of confinement that are~~
24 ~~solely pursuant to a revocation of parole by the Youthful~~
25 ~~Offender Parole Board.~~

26 ~~(d) The charge against the county prescribed by this~~
27 ~~section shall be in lieu of the charge prescribed by Section~~
28 ~~912 and not in addition to that charge.~~

29 ~~(e) The charge against the county prescribed by this~~
30 ~~section shall be adjusted by the department every third~~
31 ~~year beginning March 1, 2003, to reflect the percentage~~
32 ~~change in the annual average value of the Implicit Price~~
33 ~~Deflator for State and Local Government Purchases of~~
34 ~~Goods and Services for the United States, as published by~~
35 ~~the United States Department of Commerce, for the~~
36 ~~three-year period ending on December 31 of the~~
37 ~~preceding calendar year. The department shall, by~~
38 ~~regulation, establish the adjusted fee pursuant to this~~
39 ~~subdivision.~~



1 ~~(f) The Department of the Youth Authority shall~~
 2 ~~present to the county, not more frequently than monthly,~~
 3 ~~a claim for the amount due the state under this section;~~
 4 ~~that the county shall process and pay pursuant to the~~
 5 ~~provisions of Chapter 4 (commencing with Section~~
 6 ~~29700) of Division 3 of Title 3 of the Government Code.~~

7 ~~(g) The Department of the Youth Authority shall~~
 8 ~~adopt emergency regulations for implementation of this~~
 9 ~~section.~~

10 ~~SEC. 4. Section 1720.5 is added to the Welfare and~~
 11 ~~Institutions Code, to read:~~

12 ~~1720.5. Notwithstanding Section 1720, the board shall~~
 13 ~~review the case of each ward committed to the Youth~~
 14 ~~Authority for an offense listed in Sections 4955 to 4957,~~
 15 ~~inclusive, of Title 15 of the California Code of Regulations;~~
 16 ~~and consider the readiness of the ward for parole on the~~
 17 ~~parole consideration date established by the court~~
 18 ~~pursuant to Section 734.5.~~

19 ~~SEC. 5. Section 1740 of the Welfare and Institutions~~
 20 ~~Code is amended to read:~~

21 ~~1740. When a court commits a person to the Youth~~
 22 ~~Authority, that court shall at once forward to the~~
 23 ~~Authority a certified copy of the order of commitment~~
 24 ~~and, if applicable, the initial parole consideration date as~~
 25 ~~provided in Section 734.5.~~

26 ~~SEC. 6. Section 1760.1 is added to the Welfare and~~
 27 ~~Institutions Code, to read:~~

28 ~~1760.1. (a) Notwithstanding any other provision of~~
 29 ~~law, the Department of the Youth Authority shall develop~~
 30 ~~and implement specialized programming for amenable~~
 31 ~~wards committed to the department for any of the~~
 32 ~~offenses listed in Sections 4955 to 4957, inclusive, of Title~~
 33 ~~15 of the California Code of Regulations. That~~
 34 ~~programming shall be designed to be completed in not~~
 35 ~~less than six months and not more than 12 months during~~
 36 ~~the ward's confinement and shall include an intensive~~
 37 ~~aftercare, parole-based component involving at least 12~~
 38 ~~months of supervision and provision of services.~~



1 ~~(b) The programming described in this section shall~~
2 ~~be developed and implemented no later than January 1,~~
3 ~~2001.~~

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