

**ASSEMBLY BILL**

**No. 2101**

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**Introduced by Assembly Member Migden**

February 22, 2000

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An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as introduced, Migden. Media access to prisoners.

Existing law provides that a person sentenced to imprisonment in the state prison has the right to correspond confidentially with any member of the State Bar or holder of public office, subject to inspection by prison authorities to search incoming mail for contraband.

The bill would require the Department of Corrections, upon reasonable notice, to permit representatives of the news media to interview prisoners in person or randomly, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would require the department to permit the news media to receive confidential correspondence from a prisoner, except as specified.

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. It is the intent of the Legislature in  
2 enacting this act to invalidate changes in Section 3261.5

1 of Title 14 of the California Code of Regulations for which  
2 a certificate of compliance was filed on April 14, 1997.

3 SEC. 2. Section 2602 is added to the Penal Code, to  
4 read:

5 2602. (a) The Legislature finds and declares all of the  
6 following:

7 (1) Free exchange of information from behind prison  
8 walls benefits the public and fosters a safe and efficient  
9 prison system.

10 (2) The State of California has historically permitted  
11 media access to state prisoners without endangering the  
12 safety of the prisons or the public.

13 (3) Members of the news media should be permitted  
14 to interview state prisoners unless that access would pose  
15 an immediate and direct threat to the security of the  
16 institution or the safety of members of the public.

17 (4) There is no legitimate reason for a blanket ban on  
18 media interviews with specified prisoners.

19 (b) The Department of Corrections, upon reasonable  
20 notice, shall permit representatives of the news media to  
21 interview prisoners in person, including prearranged  
22 interviews with specified prisoners. A personal interview  
23 of a particular prisoner is prohibited if the department  
24 determines that the interview would pose an immediate  
25 and direct threat to the security of the institution or the  
26 physical safety of a member of the public. The  
27 department may establish reasonable time, place, and  
28 manner restrictions for prison interviews, including  
29 limitations on the number of interviews per prisoner, and  
30 requiring arrangements for pool interviews if requests to  
31 interview any one prisoner are excessive, in order to  
32 ensure the security of the institution, the physical safety  
33 of the public, and the efficient administration of news  
34 media interviews.

35 (1) The department shall permit random interviews  
36 of individuals encountered by a representative of the  
37 news media while covering a facility tour, activity, or  
38 event.

39 (2) During any interview with a prisoner, a  
40 representative of the news media may use materials



1 necessary to conduct the interview, including, but not  
2 limited to, pens, pencils, papers, and audio and video  
3 recording devices.

4 (3) The department shall permit the news media to  
5 receive confidential correspondence from a prisoner  
6 unless to do so would pose an immediate and direct threat  
7 to the security of the institution or the safety of the public.

8 (4) No prisoner or parolee shall be interviewed against  
9 his or her will.

10 SEC. 3. Section 2603 is added to the Penal Code, to  
11 read:

12 2603. For purposes of this article, “representative of  
13 the news media” means a journalist who works for, or is  
14 under contract to, a newspaper, magazine, wire service,  
15 or radio or television program, or who, through press  
16 passes issued by a governmental or police agency or  
17 through similar convincing means, can demonstrate that  
18 he or she is a bona fide journalist engaged in the gathering  
19 of information for distribution to the public.

