

AMENDED IN SENATE MAY 31, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**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 amended, 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  
3 of Title ~~44~~ 15 of the California Code of Regulations for  
4 which a certificate of compliance was filed on April 14,  
5 1997.

6 SEC. 2. Section 2602 is added to the Penal Code, to  
7 read:

8 2602. (a) The Legislature finds and declares all of the  
9 following:

10 (1) Free exchange of information from behind prison  
11 walls benefits the public and fosters a safe and efficient  
12 prison system.

13 (2) The State of California has historically permitted  
14 media access to state prisoners without endangering the  
15 safety of the prisons or the public.

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

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

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



1 (1) The department shall permit random interviews  
2 of individuals encountered by a representative of the  
3 news media while covering a facility tour, activity, or  
4 event.

5 (2) During any interview with a prisoner, a  
6 representative of the news media may use materials  
7 necessary to conduct the interview, including, but not  
8 limited to, pens, pencils, papers, and audio and video  
9 recording devices.

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

14 (4) No prisoner or parolee shall be interviewed against  
15 his or her will.

16 SEC. 3. Section 2603 is added to the Penal Code, to  
17 read:

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

