

Assembly Bill No. 2101

Passed the Assembly August 29, 2000

Chief Clerk of the Assembly

Passed the Senate August 23, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, 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 to permit representatives of the news media to interview or visit prisoners in person or randomly, as specified, subject to reasonable time, place, and manner restrictions established by the department to ensure security and accommodate efficiency of the interview. It would allow a department official or a warden discretion to adopt policies providing for prearranged visitation rights or greater access for representatives of the news media. This bill would also prohibit the interview of a prisoner or parolee against his or her will and would require the department to permit the news media to receive confidential correspondence from a prisoner, except as specified.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to invalidate changes in Section 3261.5 of Title 15 of the California Code of Regulations for which a certificate of compliance was filed on April 14, 1997, to the extent it is inconsistent with Sections 2602 and 2603 of the Penal Code.

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



2602. (a) The Department of Corrections shall permit representatives of the news media to visit prisoners in person during a prisoner's regular visitation hours, subject to the normal friends' and relatives' visiting approval process except as provided in this section. Once approved for visits at any institution, a representative of the news media shall be allowed during a one-year, renewable period to visit any prisoner at that institution who is entitled to visitation and is willing to receive visits from a representative of the news media. The department may establish reasonable time, place, and manner restrictions to ensure the security of the institution and to accommodate the efficient administration of a news media interview during a regularly scheduled visiting period. Nothing in this section shall prohibit an official of the department or a warden of a particular institution in his or her discretion from adopting a policy providing for prearranged visitation rights or greater access policies for representatives of the news media.

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

(2) During any random interview or visit with a prisoner, a representative of the news media may use materials necessary to conduct the interview, including, but not limited to, pens, pencils, papers, cameras, and audio and video recording devices.

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

(4) No prisoner or parolee shall be interviewed or receive a visit from a representative of the news media against his or her will.

(5) No prisoner or parolee may have his or her visitation limited or revoked because of a visit or potential visit from a representative of the news media, nor may a



prisoner or parolee be punished, reclassified, disciplined, or transferred to another prison against his or her wishes, for participating in a visit by a representative of the news media.

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

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



Approved _____, 2000

Governor

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