

**ASSEMBLY BILL**

**No. 2787**

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**Introduced by Assembly Member Leonard**

February 25, 2000

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An act to add Section 15819.296 to the Government Code, and to add Section 2023 to the Penal Code, relating to prisons, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2787, as introduced, Leonard. Prisons.

(1) Existing law authorizes the Department of Corrections to administer and operate the state prison system, including the establishment and operation of separate community correctional centers and rehabilitation centers as specified. Existing law also recommends every city or county correctional, custodial, and law enforcement agency to have a comprehensive AIDS and HIV prevention and education program, with a recommended goal of, among other things, providing separate housing for infected individuals as specified.

This bill would authorize the Department of Corrections to construct a correctional facility designed for the purpose of incarcerating inmates with special health needs due to advanced age or infection with the HIV virus separate from the general prison population and to authorize the department to develop a correctional facility that addresses these needs in a manner consistent with department policy. This bill would also authorize the department to sell San Quentin and apply the proceeds from the sale to pay for

revenue bonds used to build the specified special needs facility.

(2) Existing law authorizes the necessary funding for construction of specified prison facilities to be obtained through lease-purchase financing.

This bill would authorize the expenditure of an unspecified amount for construction of the special needs correctional facility to be provided through lease-purchase arrangements. This money would be continuously appropriated for that purpose. This bill would also make available up to an unspecified amount for local mitigation costs, as specified.

(3) Existing law provides for the establishment and operation of a state prison at San Quentin in Marin County, and provides that all death row inmates shall be incarcerated therein and all judgments of death shall therein be executed.

This bill would provide that notwithstanding any other provision of law, the Department of Corrections is authorized to close the state prison at San Quentin and begin the process of searching for a site for the relocation of inmates incarcerated at this facility. This bill would also provide that upon closing the state prison at San Quentin, the Director of Corrections is authorized to designate another state prison facility to house inmates subject to the death penalty and within which the judgement of death may be executed.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. (a) The Legislature authorizes the  
2 Department of Corrections to construct a correctional  
3 facility designed for the purpose of incarcerating inmates  
4 with special health needs separate from the general  
5 prison population.

6 (b) The Legislature finds and declares that many  
7 inmates in California’s correctional facilities have special  
8 health needs due to either advanced age or infection with  
9 the HIV virus. It is the intent of the Legislature to  
10 authorize the department to develop a correctional



1 facility that addresses these needs in a manner consistent  
2 with department policy.

3 (c) The Department of Corrections may sell the  
4 California State Prison at San Quentin and apply the  
5 proceeds from the sale to pay for the revenue bonds  
6 authorized in Section 15819.296 of the Government Code  
7 for the purpose of building a special needs correctional  
8 facility.

9 SEC. 2. Section 15819.296 is added to the Government  
10 Code, to read:

11 15819.296. (a) The necessary funding for the  
12 construction of the special needs correctional facility  
13 authorized by Section 1 of the act enacting this section  
14 may be obtained through lease-purchase financing  
15 arrangements. Sections 15819.1 to 15819.13, inclusive, and  
16 Section 15819.15 shall apply for this purpose provided that  
17 the following applies:

18 (1) "Prison facility" as used in Section 15819.1 includes  
19 the special needs correctional facility authorized by  
20 Section 1 of the act enacting this section.

21 (2) Notwithstanding the limitation imposed by  
22 Section 15819.3 regarding the amount of bonds to be  
23 issued for construction, acquisition, and financing of  
24 prison facilities, the State Public Works Board may issue  
25 additional bonds in order to pay the costs of acquiring and  
26 constructing or refinancing the special needs  
27 correctional facility.

28 (b) Notwithstanding Section 13340, funds derived  
29 from the lease-purchase financing methods for the special  
30 needs correctional facility deposited in the State  
31 Treasury, are hereby continuously appropriated to the  
32 State Public Works Board on behalf of the Department of  
33 Corrections for the purpose of acquiring and constructing  
34 or refinancing the prison facility so financed.

35 The sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_) shall be  
36 available for capital outlay for the special needs facility  
37 from funds derived from lease-purchase financing  
38 methods. A maximum of \_\_\_\_\_ dollars (\$\_\_\_\_\_) of  
39 the funds may be available for mitigation costs of local  
40 government and school districts.



1 (c) The State Public Works Board may authorize the  
2 augmentation of the cost of construction of the project set  
3 forth in this section pursuant to the board's authority  
4 under Section 13332.11. In addition, the State Public  
5 Works Board may authorize any additional amounts  
6 necessary to establish a reasonable construction reserve  
7 and to pay the costs of financing, including the payment  
8 of interest during acquisition or construction of the  
9 project, the cost of financing a debt service reserve fund,  
10 and the cost of issuance of permanent financing for the  
11 project. This additional amount may include interest  
12 payable on any interim loan for the facility from the  
13 General Fund, the Pooled Money Investment Account  
14 pursuant to Section 16312, or other interim financing  
15 programs.

16 SEC. 3. Section 2023 is added to the Penal Code, to  
17 read:

18 2023. (a) Notwithstanding any other provision of  
19 law, the Department of Corrections is authorized to close  
20 the California State Prison at San Quentin and to begin  
21 the process of searching for a site for the relocation of  
22 inmates incarcerated at this facility. In order to mitigate  
23 the reassignment of corrections staff, the director is  
24 authorized to prioritize the north Bay Area as a possible  
25 location for a new facility.

26 (b) Notwithstanding Sections 1202a and 3603, upon  
27 closing the California State Prison at San Quentin the  
28 Director of Corrections is authorized to designate  
29 another state prison facility to house inmates subject to  
30 the death penalty and within which the judgement of  
31 death may be executed.

