

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1157

Introduced by Senator Mitchell
(~~Coauthor: Senator Hancock~~)
(Coauthors: Senators Cannella, Hancock, and Leno)
(Coauthor: Assembly Member Weber)

February 18, 2016

An act to add Section 4032 to the Penal Code, and to add Sections 210.05 and 885.5 to the Welfare and Institutions Code, relating to incarcerated persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, as amended, Mitchell. Incarcerated persons: visitation.

Existing law provides that a county jail is kept by the sheriff of the county in which the jail is situated and is to be used for specified purposes, including for the confinement of persons sentenced to imprisonment in the a county jail upon a criminal conviction. Among other things, existing law requires each county jail to contain a sufficient number of rooms to allow certain persons belonging to specified classes to be confined separately and distinctly from persons belonging to other specified classes. Existing law requires every county to provide and maintain a juvenile hall for purposes of providing a suitable house or place for the detention of wards and dependent children of the juvenile court and persons alleged to come within the jurisdiction of the juvenile court. Existing law authorizes a county to, by ordinance, establish juvenile ranches, camps, or forestry camps, within or without the county, to which certain persons made wards of the court may be committed.

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This bill would ~~prohibit~~ *require* a local correctional facility, as defined, a juvenile hall for the confinement of minors, and a juvenile ranch, camp, or forestry camp ~~from utilizing that elects to utilize video or other types of electronic visitation to replace in-person visitation.~~ The bill would ~~require~~ *provide* specified numbers and lengths of in-person visits for incarcerated persons in certain local correctional facilities and for incarcerated minors and minors at the juvenile facilities described above. The bill would also define, among other things, “in-person visit” and “in-person visitation” for these purposes. ~~By increasing the duties of local officials relative to in-person visitations for incarcerated persons in local correctional facilities, the bill would impose a state-mandated local program.~~

On and after January 1, 2017, the bill would prohibit a city, county, city and county, or other local entity from entering into, renewing, extending, or amending a contract with a private prison corporation that does not provide persons to be incarcerated or detained at the private prison corporation’s facility, at a minimum, specified amounts of in-person visitation.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~*no*. State-mandated local program: ~~yes~~*no*.

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

1 SECTION 1. The Legislature finds and declares that
 2 opportunities for in-person visitation in local correctional facilities,
 3 juvenile halls, juvenile homes, ranches, and camps are essential
 4 for persons who are incarcerated and detained to maintain family
 5 stability, reduce disciplinary infractions and violence while
 6 incarcerated, reduce recidivism, increase the chances of obtaining
 7 employment postrelease, and facilitate successful reentry. Other
 8 types of visitation shall only be used to supplement in-person
 9 visitation to further promote the above-mentioned goals. This act
 10 does not interfere with the ability of the Board of State and

1 Community Corrections to issue regulations with regards to
2 visitation. It is the intent of the Legislature to strengthen family
3 connections by facilitating in-person visitation.

4 SEC. 2. Section 4032 is added to the Penal Code, to read:

5 4032. (a) A local detention facility ~~shall not that elects to~~
6 utilize video or other types of electronic visitation ~~to replace~~
7 ~~in-person visitation.~~

8 ~~(b) A local detention facility shall also visitation shall~~ comply
9 with both of the following:

10 (1) Sentenced incarcerated persons in a Type I facility and all
11 incarcerated persons in a Type II facility shall be allowed no fewer
12 than two in-person visits totaling at least one hour per incarcerated
13 person each week.

14 (2) Incarcerated persons in a Type III facility or a Type IV
15 facility shall be allowed no fewer than one in-person visit totaling
16 at least one hour per incarcerated person each week.

17 (c)

18 (b) For purposes of this section, all of the following definitions
19 apply:

20 (1) "In-person visit" or "in-person visitation" means a visit or
21 visitation during which an incarcerated person has contact with a
22 visitor, is able to see a visitor through glass, or is otherwise in an
23 open room without contact with a visitor.

24 (2) "Local detention facility" has the same meaning as defined
25 in Section 6031.4.

26 (3) "Type I facility" means a local detention facility used for
27 the detention of persons for not more than 96 hours, excluding
28 holidays, after booking. "Type I facility" also includes a local
29 detention facility that detains a person on court order for his or her
30 own safekeeping or a person sentenced to a city jail as an
31 incarcerated person worker, or that houses incarcerated person
32 workers sentenced to ~~the~~ a county jail, provided the placement in
33 the facility is made on a voluntary basis on the part of the
34 incarcerated person. As used in this paragraph, "incarcerated person
35 worker" means a person assigned to perform designated tasks
36 outside of his or her cell or dormitory, pursuant to the written
37 policy of the facility, for a minimum of four hours each day on a
38 five-day scheduled work week.

(4) “Type II facility” means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

(5) “Type III facility” means a local detention facility used only for the detention of convicted and sentenced persons.

(6) “Type IV facility” means a local detention facility or portion of the facility designated for the housing of incarcerated persons eligible pursuant to Section 1208 for work furlough, education furlough, or other programs involving incarcerated person access into the community.

(d)

(c) On and after January 1, 2017, a city, county, city and county, or other local entity shall not enter into, renew, extend, or amend a contract with a private prison corporation that does not provide persons to be incarcerated or detained at the private prison corporation’s facility, at a minimum, ~~the same amount of in-person visitation required by paragraph (1) of subdivision (b) for a Type II facility.~~ *no fewer than two in-person visits totaling at least one hour per incarcerated person each week.*

SEC. 3. Section 210.05 is added to the Welfare and Institutions Code, to read:

210.05. (a) A juvenile hall for the confinement of minors ~~shall not that elects to utilize video or other types of electronic visitation to replace in-person visitation.~~

~~(b) A juvenile hall for the confinement of minors shall also visitation shall~~ comply with all of the following with respect to in-person visitation:

(1) Incarcerated minors shall be allowed to receive in-person visits by parents, guardians, or persons standing in loco parentis, at reasonable times, subject only to the limitations necessary to maintain order and security.

(2) Opportunity for in-person visitation shall be a minimum of two hours per week.

(3) In-person visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.

(e)

(b) For purposes of this section, “in-person visit” or “in-person visitation” means a visit or visitation during which an incarcerated minor has contact with a visitor, is able to see a visitor through

1 glass, or is otherwise in an open room without contact with a
2 visitor.

3 SEC. 4. Section 885.5 is added to the Welfare and Institutions
4 Code, to read:

5 885.5. (a) A juvenile ranch, camp, or forestry camp established
6 under Section 881 ~~shall not that elects to~~ utilize video or other
7 types of electronic visitation ~~to replace in-person visitation.~~

8 ~~(b) A juvenile ranch, camp, or forestry camp established under~~
9 ~~Section 881 shall also visitation shall~~ comply with all of the
10 following with respect to in-person visitation:

11 (1) Minors shall be allowed to receive in-person visits by
12 parents, guardians, or persons standing in loco parentis, at
13 reasonable times, subject only to the limitations necessary to
14 maintain order and security.

15 (2) Opportunity for in-person visitation shall be a minimum of
16 two hours per week.

17 (3) In-person visits may be supervised, but conversations shall
18 not be monitored unless there is a security or safety need.

19 ~~(c)~~

20 ~~(b)~~ For purposes of this section, “in-person visit” or “in-person
21 visitation” means a visit or visitation during which a minor has
22 contact with a visitor, is able to see a visitor through glass, or is
23 otherwise in an open room without contact with a visitor.

24 ~~SEC. 5. If the Commission on State Mandates determines that~~
25 ~~this act contains costs mandated by the state, reimbursement to~~
26 ~~local agencies and school districts for those costs shall be made~~
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
28 ~~4 of Title 2 of the Government Code.~~