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AB-1597 County jails: performance milestone credits. (2015-2016)

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Assembly Bill No. 1597

CHAPTER 36

An act to amend Section 4019.4 of the Penal Code, relating to county jails.

[Approved by Governor June 27, 2016. Filed with Secretary of State June 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1597, Mark Stone. County jails: performance milestone credits.

Under existing law, when a prisoner is confined to a county or city jail, an industrial farm, or a road camp, for each 4-day period in which he or she is confined, he or she may have one day deducted from his or her period of confinement, as specified. Existing law also authorizes a sheriff or county director of corrections, in addition to the credits otherwise earned, to award an inmate who is sentenced to county jail for a felony, program credit reductions from his or her term of confinement for successful completion of specific program performance objectives for rehabilitative programming, including academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills. These program credit reductions may be for one to 6 weeks and may be forfeited in the same manner as other program credit reductions.

This bill would make the provisions applicable to sentenced and unsentenced inmates who are confined in a county jail. The bill would require credits awarded prior to sentencing to be applied to the sentence for the offense for which the inmate was awaiting sentence when the credits were awarded. The bill would prohibit evidence of an inmate's participation, or attempted participation, in this program from being admitted as an admission of guilt in any proceeding.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4019.4 of the Penal Code is amended to read:

4019.4. (a) (1) In addition to credit awarded pursuant to Section 4019, a sheriff or county director of corrections may also award an inmate program credit reductions from his or her term of confinement as provided in this section. A sheriff or county director of corrections who elects to participate in this credit reduction program shall create guidelines that provide for credit reductions for inmates who successfully complete specific program performance objectives for approved rehabilitative programming, including, but not limited to, credit reduction of not less than one week to credit reduction of not more than six weeks for each performance milestone.

(2) Guidelines adopted by a sheriff or county director of corrections pursuant to this subdivision shall specify the credit reductions applicable to distinct objectives in a schedule of graduated program performance objectives concluding with the successful completion of an in-custody rehabilitation program. Upon adopting the guidelines, the sheriff or county director of

corrections shall thereafter calculate and award credit reductions authorized by this section. An inmate may not have his or her term of imprisonment reduced by more than six weeks for credits awarded pursuant to this section during any 12-month period of continuous confinement.

(b) Program credit is a privilege, not a right. An inmate shall have a reasonable opportunity to participate in program credit qualifying assignments in a manner consistent with institutional security, available resources, and guidelines set forth by the sheriff or county director of corrections.

(c) As used in this section, "approved rehabilitation programming" includes, but is not limited to, academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills.

(d) Credits awarded pursuant to this section may be forfeited pursuant to the provisions of Section 4019. An inmate shall not be eligible for program credits that result in him or her being overdue for release.

(e) This section applies to sentenced and unsentenced inmates confined in a county jail.

(f) (1) Nothing in this section shall prevent a person who has not been sentenced from participating in an approved rehabilitation program pursuant to this section.

(2) If a person is awarded credits prior to sentencing, the credits shall be applied to a sentence for the offense for which the person was awaiting sentence when the credits were awarded in the same manner as all other credits awarded.

(g) Evidence that an inmate has participated in, or attempted to participate in, an approved rehabilitation program eligible for credit pursuant to this section is not admissible in any proceeding as an admission of guilt.