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|------|------------------|----------------|--------------|-----------------|------------------|--------------|
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|------|------------------|----------------|--------------|-----------------|------------------|--------------|

SB-1157 Incarcerated persons: visitation. (2015-2016)

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ENROLLED SEPTEMBER 02, 2016
PASSED IN SENATE AUGUST 29, 2016
PASSED IN ASSEMBLY AUGUST 24, 2016
AMENDED IN ASSEMBLY AUGUST 19, 2016
AMENDED IN SENATE MAY 31, 2016
AMENDED IN SENATE APRIL 06, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

NO. 1157

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

February 18, 2016

An act to add Section 4032 to the Penal Code, relating to incarcerated persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, 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 a county jail upon a criminal conviction. Existing regulations of the Board of State and Community Corrections specify the number of visits that inmates held in certain types of correctional facilities are required to be provided.

This bill would require a local detention facility, as defined, that elects to utilize video or other types of electronic devices for inmate visitations to also provide an inmate with in-person visitation that meets or surpasses the minimum number of weekly visits required by those regulations for a person detained in the facility. If a local detention facility does not have existing space available for in-person visitation, the bill would require the facility to comply no later than January 1, 2022.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) In 2011, the State of California passed historic legislation to reduce recidivism in the state prison system by supervising people with low-level convictions at the local level, closer to their communities. To support realignment efforts, the state has provided approximately \$2.5 billion in funding for local jail construction projects, including:

(1) One billion two hundred million dollars (\$1,200,000,000) in funding for local jail construction projects authorized by Chapter 7 of the Statutes of 2007. In two phases of the program, 21 counties received awards. When all construction is completed, over 9,000 jail beds will have been added.

(2) Five hundred million dollars (\$500,000,000) in funding for local jails authorized by Chapter 42 of the Statutes of 2012. The Board of State and Community Corrections (BSCC) awarded 14 counties funding. The program specified that counties seeking to replace or upgrade outdated facilities and provide alternatives to incarceration, including mental health and substance use disorder treatment, would be considered.

(3) An additional \$500 million for local jails authorized by Chapter 37 of the Statutes of 2014. The BSCC awarded 15 counties funding. This funding was primarily available for improving existing capacity and treatment and programming space.

(4) An additional \$250 million for local jails and an additional \$20 million specifically for Napa County authorized by Chapter 34 of the Statutes of 2016. The funding was limited to those counties that had not been fully funded through previous grants. In addition, a facility constructed or renovated with program funding is required to include space for in-person visitation and a county applying for financing is required to submit a description of efforts to address sexual abuse in its jails.

(b) While a number of the counties that were awarded funding under the programs described in paragraphs (1), (2), and (3) of subdivision (a) are offering in-person visitation, there are several that have banned, or are considering banning, in-person visitation and instead offering only video visitation.

(c) Experts have found "that prison visitation can significantly improve the transition incarcerated people make from the institution to the community." Just one visit "reduced the risk of recidivism by 13 percent for felony reconvictions and 25 percent for technical violation revocations." "[M]ore frequent and recent visits were associated with a decreased risk of recidivism," and "the more sources of social support an incarcerated person has, the lower the risk of recidivism."

(d) Experts have additionally found that video "[v]isiting cannot replicate seeing someone in-person, and it is critical for a young child to visit his or her incarcerated parent in person to establish a secure attachment."

(e) For purposes of updating and promulgating regulations, the BSCC utilizes the 2015 Adult Titles 15 and 24 Regulation Revision Executive Steering Committee (ESC). The ESC, which is responsible for regulations relating to visitation, requested that one of its working groups discuss the current visitation regulations as they relate to video visitation. Despite expert findings, the BSCC working group on visitation, which was comprised of only law enforcement representatives, stated, in part: "The workgroup engaged in a lengthy discussion regarding video visitation versus in-person visits. Several members of the group reported that their county is planning or building new facilities with space for video visiting only (no space for in-person visits)."

(f) Chapter 15 of the Statutes of 2011, the public safety realignment legislation, included the following legislative findings: "Realigning low-level felony offenders who do not have prior convictions for serious, violent, or sex offenses to locally run, community-based corrections programs which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society."

(g) Due to the enactment of realignment legislation, more people are serving lengthy jail sentences for felony convictions, often years and, in some cases, decades.

(h) California's criminal justice realignment will be strengthened by ensuring that incarcerated people at the local level have contact with, and build meaningful connections with, friends and family in their communities. With these connections, incarcerated people will be better prepared to successfully reintegrate into and contribute to society.

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

4032. (a) A local detention facility that elects to utilize video or other types of electronic devices for inmate visitations shall also provide inmates with in-person visitation that meets or surpasses the minimum number of weekly visits required by regulations of the Board of State and Community Corrections for persons detained in the facility. For purposes of this section, "local detention facility" has the same meaning as defined in Section 6031.4.

(b) Notwithstanding subdivision (a), a local detention facility that elects to utilize video or other types of electronic devices for inmate visitations and does not have existing space available for in-person visitation shall provide visitation in accordance with subdivision (a) no later than January 1, 2022.