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AB-1320 State prisons: private, for-profit administration services. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 1320

Introduced by Assembly Member Bonta
(Coauthor: Assembly Member Gonzalez Fletcher)
(Coauthor: Senator Beall)

February 17, 2017

An act to amend Section 2915 of, and to add Section 5003.1 to, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1320, Bonta. State prisons: private, for-profit administration services.

Existing law establishes the Department of Corrections and Rehabilitation and sets forth its powers and duties regarding the administration of correctional facilities and the care and custody of inmates. Existing law, until January 1, 2020, authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into one or more agreements with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2020, authorizes the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers.

This bill would prohibit the department from entering into a contract with an out-of state, private, for-profit prison on or after January 1, 2018, and would prohibit the department from renewing a contract with an out-of-state, private, for-profit prison on or

after January 1, 2020. The bill would also prohibit, after January 1, 2021, any state prison inmate or other person under the jurisdiction of the department from being housed in any out-of-state, private, for-profit prison facility.

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

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

SECTION 1. Section 2915 of the Penal Code is amended to read:

2915. (a) Subject to Section 5003.1, the Secretary of the Department of Corrections and Rehabilitation may enter into one or more agreements to obtain secure housing capacity within the state. These agreements may be entered into with private entities and may be in the form of a lease or an operating agreement. The secretary may procure and enter these agreements on terms and conditions he or she deems necessary and appropriate. Notwithstanding any other law, any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under statutes that relate to the procurement and implementation of those agreements is hereby waived, however, an agreement shall not contain terms, either directly or indirectly, that involve the repayment of any debt issuance or other financing and, consistent with state law, shall provide that payment of that agreement is subject to appropriation.

(b) Subject to Section 5003.1, the Secretary of the Department of Corrections and Rehabilitation may enter into one or more agreements to obtain secure housing capacity in another state. These agreements may be entered into with private entities and may be in the form of an operating agreement or other contract. The secretary may procure and enter these agreements on terms and conditions he or she deems necessary and appropriate. Notwithstanding any other law, any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under statutes that relate to the procurement and implementation of those agreements is hereby waived, however, no agreement shall contain terms, either directly or indirectly, that involve the repayment of any debt issuance or other financing and, consistent with state law, shall provide that payment of that agreement is subject to appropriation. This subdivision does not authorize the department to operate a facility out of state.

(c) The provisions of Division 13 (commencing with Section 21000) of the Public Resources Code do not apply to this section.

(d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2. Section 5003.1 is added to the Penal Code, to read:

5003.1. (a) The department shall not enter into a contract with a private, for-profit prison facility located outside of the state, on or after January 1, 2018.

(b) The department shall not renew an existing contract with a private, for-profit prison facility located outside of the state, on or after January 1, 2020.

(c) After January 1, 2021, no state prison inmate or other person under the jurisdiction of the department shall be housed in a private, for-profit prison facility located outside of the state.