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AB-1875 Prisons: canteens. (2023-2024)

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Assembly Bill No. 1875

CHAPTER 56

An act to amend Sections 4025 and 5005 of the Penal Code, relating to prisons.

[Approved by Governor July 02, 2024. Filed with Secretary of State July 02, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, McKinnor. Prisons: canteens.

Existing law, until January 1, 2028, requires the Department of Corrections and Rehabilitation to maintain canteens at its facilities, and limits the sale price of items to 35% markup above the amount paid to the vendor. Commencing January 1, 2028, existing law requires the sale prices in the canteen to be set by the Secretary of the Department of Corrections and Rehabilitation so the canteen will be self-supporting. Existing law requires the department to sell, among other things, toilet articles, candy, notions, and other sundries at the canteens. Existing law authorizes the sheriff of each county to establish, maintain, and operate a store within a jail where inmates may purchase certain goods, articles, and supplies.

This bill, the Culturally Competent Hair Care Act, would, commencing January 1, 2028, require the department, and local jail and detention facilities if they have a store, to additionally provide sulfate-free shampoos and conditioners, curl creams, and gel.

This bill would also make related findings and declarations.

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

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

SECTION 1. This act shall be known and may be cited as the Culturally Competent Hair Care Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) In 2019, Senator Holly Mitchell authored the Creating a Respectful and Open Workplace for Natural Hair (CROWN) Act, banning discrimination of natural hair by employers and public educational institutions. However, these protections have not been expanded to correctional facilities or rehabilitative institutions.

(b) According to The Marshall Project, Gregg County Jail in Longview, Texas instituted a rule requiring inmates must remove hair weaves, even if they are braided, glued, or sewn into the hairline. Branden Johnson, president of the National Association for the Advancement of Colored People chapter in Longview, Texas, states "It is geared towards minorities. They are the ones using the hairpieces."

(c) In 2020, a report by Impact Justice found that 60 percent of formerly incarcerated people surveyed said that they could not afford canteen purchases while incarcerated, while 75 percent of those surveyed reported that their access to adequate food was

restricted by their personal or family finances. A research study from the Ella Baker Center for Human Rights has shown that nearly two in three families with an incarcerated family member are unable to meet their families' basic needs due to the costs of incarceration, and that nearly one-half of families are unable to afford conviction-related costs. The financial burdens associated with incarceration tend to fall most heavily on women of color from low-income communities.

(d) Items sold in prison canteen stores are integral to the health and well-being of incarcerated people. Items purchased are primarily essential goods, including food, personal hygiene products, over-the-counter medication, health products, and stationery to maintain communication with loved ones. Research shows that many incarcerated people rely on canteen purchases for a majority of their caloric intake, and that the quality and quantity of food and personal care items provided by prisons is inadequate to sustain a healthy life. For incarcerated people with chronic medical conditions, the ability to purchase ointments and medications at a canteen is critical to the management of their health.

(e) In 2022, the Daily Utah Chronicle reported, "Many prison officials and guards justify their racist practices by citing grooming standards, which exist to promote the safety of prisoners and guards as well as the hygiene of inmates. There are concerns about inmates sneaking contraband or weapons into prisons through their hair, and promoting these grooming standards acts as a measure of cleanliness and safety. However, these absurd grooming standards are rooted in historical stereotypes and negatively affect Black people. Black bodies have historically been characterized as dirty and diseased, stereotypes that started during the Atlantic Slave Trade and persisted throughout the Civil Rights Movement."

SEC. 3. Section 4025 of the Penal Code is amended to read:

4025. (a) The sheriff of each county may establish, maintain and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and sell these goods, articles, and supplies for cash to inmates in the jail. Commencing January 1, 2028, the store, if established by the sheriff in a county, shall sell sulfate-free shampoos and conditioners, curl creams, and gel.

(b) The sale prices of the articles offered for sale at the store shall be fixed by the sheriff. Any profit shall be deposited in an inmate welfare fund to be kept in the treasury of the county.

(c) There shall also be deposited in the inmate welfare fund 10 percent of all gross sales of inmate hobbycraft.

(d) There shall be deposited in the inmate welfare fund any money, refund, rebate, or commission received from a telephone company or pay telephone provider when the money, refund, rebate, or commission is attributable to the use of pay telephones which are primarily used by inmates while incarcerated.

(e) The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to be in the best interests of inmates. An itemized report of these expenditures shall be submitted annually to the board of supervisors.

(f) The operation of a store within any other county adult detention facility that is not under the jurisdiction of the sheriff shall be governed by the provisions of this section, except that the board of supervisors shall designate the proper county official to exercise the duties otherwise allocated in this section to the sheriff.

(g) The operation of a store within any city adult detention facility shall be governed by the provisions of this section, except that city officials shall assume the respective duties otherwise outlined in this section for county officials.

(h) The treasurer may, pursuant to Article 1 (commencing with Section 53600), or Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, deposit, invest, or reinvest any part of the inmate welfare fund, in excess of that which the treasurer deems necessary for immediate use. The interest or increment accruing on these funds shall be deposited in the inmate welfare fund.

(i) The sheriff may expend money from the inmate welfare fund to provide indigent inmates, prior to release from the county jail or any other adult detention facility under the jurisdiction of the sheriff, with essential clothing and transportation expenses within the county or, at the discretion of the sheriff, transportation to the inmate's county of residence, if the county is within the state or within 500 miles from the county of incarceration. This subdivision does not authorize expenditure of money from the inmate welfare fund for the transfer of any inmate to the custody of any other law enforcement official or jurisdiction.

SEC. 4. Section 5005 of the Penal Code, as added by Section 4 of Chapter 609 of the Statutes of 2023, is amended to read:

5005. (a) The department shall maintain a canteen at an active prison or institution under its jurisdiction for the sale to incarcerated persons of toilet articles, candy, notions, and other sundries, including sulfate-free shampoos and conditioners, curl creams, and gel, and shall provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The secretary shall specify what commodities shall be sold in the canteen. The sale prices of the articles offered for sale shall be fixed by the secretary at the amounts that will, as far as possible, render each canteen self-supporting.

(b) The department shall undertake to insure against damage or loss of canteen and handicraft materials, supplies, and equipment owned by the Inmate Welfare Fund as provided in Section 5006.

(c) The canteen operations at any prison or institution referred to in this section shall be audited biennially by the Department of Finance, and at the end of each intervening fiscal year, each prison or institution shall prepare a statement of operations. At least one copy of any audit report or statement of operations shall be posted at the canteen and at least one copy shall be available to incarcerated persons at the library of each prison or institution.

(d) This section shall become operative on January 1, 2028.