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AB-1986 State prisons: banned books. (2023-2024)

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Assembly Bill No. 1986

CHAPTER 620

An act to amend Section 6132 of, and to add Section 6130 to, the Penal Code, relating to prisons.

[Approved by Governor September 26, 2024. Filed with Secretary of State September 26, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1986, Bryan. State prisons: banned books.

Existing law grants a person sentenced to imprisonment the right to purchase, receive, and read any and all newspapers, periodicals, and books, as specified, subject to restrictions reasonably related to legitimate penological interests. Existing law authorizes the Department of Corrections and Rehabilitation to prescribe and amend rules and regulations for the administration of state prisons, including determining which materials are a threat to legitimate penological interests. Existing law creates the Office of the Inspector General and grants the Inspector General responsibility for oversight of the department, as specified.

This bill would require the Office of the Inspector General to post the Centralized List of Disapproved Publications maintained by the department on the office's internet website and would require the department to notify the office each time a change is made to that list. The bill would authorize the office, upon request, to review publications on the list to determine if it concurs with the department's determination that the publication violates department regulations. The bill would require the office to notify the department if it does not concur with the department's determination. The bill would also require the office to include information relating to those notifications in an annual report the Inspector General provides to the Governor and Legislature.

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

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

SECTION 1. Section 6130 is added to the Penal Code, to read:

6130. (a) (1) The Office of the Inspector General shall post the Centralized List of Disapproved Publications maintained by the Department of Corrections and Rehabilitation on its internet website. The Department of Corrections and Rehabilitation shall notify the Office of the Inspector General each time a change is made to the Centralized List of Disapproved Publications.

(2) The Centralized List of Disapproved Publications shall include, but not be limited to, all of the following information about each prohibited publication on the list:

- (A) The title.
- (B) The author.
- (C) The publisher.

(D) The year of publication, to the extent available.

(E) The stated violation of department regulations that caused the publication to be prohibited.

(b) Upon a request by an incarcerated person, publisher, or other affected person, the Office of the Inspector General may review a publication on the Centralized List of Disapproved Publications to determine if the office concurs with the department's determination that the publication is in violation of department regulations. The office shall notify the department if the office does not concur with the department's determination that a publication that the office has reviewed pursuant to this subdivision is in violation of the department's regulations.

(c) For purposes of this section, "publication" means any newspaper, periodical, magazine, or book that can be mailed through the United States Postal Service.

SEC. 2. Section 6132 of the Penal Code is amended to read:

6132. (a) (1) Notwithstanding Section 10231.5 of the Government Code, the Inspector General shall report annually to the Governor and the Legislature a summary of its reports. The summary shall be posted on the office's internet website and otherwise made available to the public upon its release to the Governor and the Legislature. The summary shall include, but not be limited to, significant problems discovered by the office, and whether recommendations the office has made have been implemented.

(2) The report shall also include a summary of the determinations that the Office of the Inspector General made regarding each publication the office reviewed pursuant to Section 6130 and the Department of Corrections and Rehabilitation's response to each notification that the office issued indicating that the office did not concur with the department's determination that a publication is in violation of the department's regulations.

(b) A report pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.