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AB-2624 Prisoners: employment: bereavement. (2023-2024)

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Assembly Bill No. 2624

CHAPTER 727

An act to add Section 2710 to the Penal Code, relating to prisoners.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2624, Waldron. Prisoners: employment: bereavement.

Existing law requires every able-bodied prisoner imprisoned in a state prison to work as many hours of faithful labor in each day and every day during their term of imprisonment as prescribed by the Secretary of the Department of Corrections and Rehabilitation in departmental rules and regulations.

This bill would require a person incarcerated in the state prison to be allowed relief with pay from prison employment after the death of an immediate family member of the incarcerated person, as specified, unless the incarcerated person is employed in a position requiring emergency response and there is an exigent circumstance requiring their employment during the requested period, and if so, would require the warden or prison administrator to grant the requested relief as soon as practicable after the exigent circumstance has ended.

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

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

SECTION 1. Section 2710 is added to the Penal Code, to read:

2710. (a) (1) An incarcerated person imprisoned in a state prison shall be allowed relief from prison employment after the death of an immediate family member of the incarcerated person.

(2) If the incarcerated person is enrolled in an educational program instead of, or in addition to, being employed, the incarcerated person shall additionally be allowed relief from the educational program.

(3) The incarcerated person shall request relief from the warden or their designee.

(4) The incarcerated person shall provide substantiation to support the request.

(5) Upon receiving the request and substantiation, the warden shall approve or deny the relief as soon as practicable.

(b) The incarcerated person shall be paid their regular compensation for the hours and days the individual is scheduled to work during the period of relief.

(c) The relief shall not exceed three days for any one occurrence.

(d) To the extent resources are available, the incarcerated person shall have access to a mental health professional during their period of relief.

(e) (1) The warden or other administrator of the facility shall grant the relief from employment pursuant to this section unless the incarcerated person is employed in a position requiring emergency response, including, but not limited to, a firefighter, and there is an exigent circumstance requiring their employment during the period requested by the incarcerated person.

(2) If the warden or other administrator of the facility denies the relief pursuant to paragraph (1), the relief shall be granted as soon as practicable after the exigent circumstance has ended.

(f) A warden or other administrator of the facility shall not discipline, punish, refuse to hire, discharge, demote, fine, suspend, expel, or discriminate against an individual as a result of either of the following:

(1) An individual's exercise of the right to relief from employment pursuant to subdivision (a).

(2) An individual's request for relief from employment or provision of substantiation to support the request pursuant to subdivision (a).

(g) (1) This section does not authorize an incarcerated person to leave the prison facility.

(2) This section does not authorize the prison to deny an incarcerated person access to other regularly scheduled activities, including, but not limited to, recreation, meals, group sessions, or counseling.

(h) For the purposes of this section, "immediate family member" has the same meaning as defined in Section 3000 of Title 15 of the California Code of Regulations.