

AMENDED IN SENATE MAY 24, 2002
AMENDED IN SENATE APRIL 30, 2002
AMENDED IN SENATE APRIL 22, 2002
AMENDED IN SENATE APRIL 17, 2002

SENATE BILL

No. 2002

Introduced by Senator Vasconcellos

February 22, 2002

An act to add Sections 5067.5 and 5029 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 2002, as amended, Vasconcellos. Prisoners.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, for the purpose of, among other things, to aid in the person's rehabilitation.

This bill would require the director to cause each person incarcerated in state prison within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her emotional level of development and ability to lead a constructive life. Based on the evaluations conducted, the bill would require that the department prescribe and implement for each inmate a smart, comprehensive rehabilitation program that addresses his or her deficient level of emotional, educational, and vocational development, so as to better equip him or her to lead a constructive life upon his or her release from prison.

The bill would also require the Director of the Department of Corrections to make a parenting education course available for every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under their care and would require the department to make these inmates complete this course prior to being eligible for parole. The willful failure to make a course available would be punishable as a misdemeanor.

The bill would state legislative findings and declarations regarding the failure of the correctional system to provide adequate rehabilitation of prisoners and to reduce the recidivism rate in California, and would state legislative intent to reform the correctional system to better provide prisoner rehabilitation.

By creating a new crime, this bill would impose a state-mandated local program.

The bill would provide that it would not become operative until January 1, 2004.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the
- 2 following:
- 3 (a) The primary purpose of our entire system of law
- 4 enforcement and corrections is to promote the public safety of all
- 5 Californians.
- 6 (b) The way our current system is now operating has proven
- 7 truly counter-productive to that goal.
- 8 (c) Our rate of recidivism is terribly high, more than one out of
- 9 every two inmates paroled returns to prison, when compared to
- 10 that of other comparable industrial states and other industrial
- 11 western nations.



1 (d) We owe it to the people of California and their safety to far
2 better attend to the constructive rehabilitation and healing of each
3 of our prison inmates prior to their release from prison.

4 SEC. 2. It is the intent of the Legislature in enacting this act
5 to thoroughly, profoundly, and effectively upgrade our entire state
6 corrections system so that it will live up to its name, and advance
7 and assure the public safety of all Californians by attending to
8 inmates in ways that hold the promise for empowering them to
9 cure, or at least curb, their dangerous ways upon their release from
10 prison.

11 SEC. 3. Section 5067.5 is added to the Penal Code, to read:
12 5067.5. The Director of Corrections shall for each inmate
13 who becomes subject to the jurisdiction of the Department of
14 Corrections on or after January 1, 2004, cause the following:

15 (a) Within 90 days of entry, the inmate shall be evaluated in an
16 open, public, and comprehensive way with respect to his or her
17 educational and vocational level of development and capacity.

18 (b) Within 90 days of entry, the inmate shall be evaluated
19 comprehensively with respect to his or her emotional level of
20 development and ability to lead a constructive life.

21 (c) Based on the evaluations conducted pursuant to
22 subdivisions (a) and (b), the Department of Corrections shall
23 prescribe and implement for each inmate a smart comprehensive
24 rehabilitation program that addresses his or her deficient level of
25 emotional, educational, and vocational development so as to better
26 equip him or her to lead a constructive life upon his or her release
27 from prison.

28 (1) The educational program shall be provided insofar as the
29 length of sentence allows, to enable each prison inmate to qualify
30 to pass the General Equivalency Diploma test and to obtain a
31 General Equivalency Diploma, or high school equivalent, while
32 the inmate is incarcerated, providing the inmate has not yet
33 advanced to that educational level.

34 (2) The emotional program shall be provided as needed to
35 enable inmates to measure up to a standard of normalcy and
36 capacity to behave constructively and to lead self-sufficient lives,
37 according to a set of standard capacities as determined by an
38 advisory team of mental health experts appointed by the Director
39 of Corrections.



1 (3) The vocational skills program shall equip inmates to
2 measure up to set vocational standards, according to a standard
3 skills level determined by an advisory team appointed by the
4 Director of Corrections, of persons knowledgeable in the arenas of
5 employment and vocational education.

6 (d) It is the intent of the Legislature that this program be
7 sufficiently funded and fully implemented so that each inmate is
8 enabled to prepare himself or herself to reenter the community and
9 live constructively and safely.

10 (e) It is the intent of the Legislature that this program be
11 annually monitored and assessed by an independent agency, which
12 shall annually report to the Legislature and Governor with respect
13 to the following:

14 (1) How well the program is being operated to live up to its
15 purpose, goals, and mandates.

16 (2) How the program could and should be improved.

17 SEC. 4. Section 5029 is added to the Penal Code, to read:

18 5029. (a) The Director of the Department of Corrections
19 shall make a parenting education course available for every inmate
20 incarcerated in the state corrections system who is serving a
21 sentence for a crime involving his or her child or a child formerly
22 under their care and shall require these inmates to complete this
23 course prior to being eligible for parole.

24 (b) The willful failure to make a parenting education course
25 available as required by this section is punishable as a
26 misdemeanor.

27 SEC. 5. The California Youth Authority shall report to the
28 Legislature no later than June 1, 2004, on their implementation of
29 Section 1120 of the Welfare and Institutions Code, and their
30 assessment of the success or failure of their efforts to provide
31 assessments and programming to meet the educational, emotional,
32 and vocational needs of their wards, together with expanding their
33 services to meet the requirements of this act for adult corrections
34 inmates.

35 SEC. 6. *This act shall not become operative until January 1,*
36 *2004.*

37 SEC. 7. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or



1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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