

AMENDED IN ASSEMBLY JUNE 30, 2002

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~~ *psychological* 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~~ *psychological*, 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 no*.

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~~
- 9 ~~(a) Existing law states that “the Legislature finds and declares~~
- 10 ~~that the purpose of imprisonment for crime is punishment.”~~



1 (b) California's rate of recidivism is ~~terribly~~ very high, more
2 than one out of every two inmates paroled returns to prison, when
3 compared to that of other comparable industrial states and other
4 industrial western nations.

5 (c) The manner in which our current system of corrections is
6 now operating is counter-productive to the goal of promoting the
7 public safety of all Californians.

8 (d) We owe it to the people of California and their safety to far
9 better attend *systematically* to the constructive rehabilitation ~~and~~
10 ~~healing~~ of each of our prison inmates prior to ~~their release from~~
11 ~~prison~~.

12 ~~SEC. 2. It is the intent of the Legislature in enacting this act~~
13 ~~to thoroughly, profoundly, and effectively upgrade our entire state~~
14 ~~his or her release from prison, so as to better enable these inmates,~~
15 ~~upon emerging from prison into our midst, to do so constructively~~
16 ~~and not endanger public safety.~~

17 (e) The purpose of our entire system of law enforcement and
18 corrections ought also to be to promote the public safety of all
19 Californians.

20 (f) This measure proposes to reform the corrections system so
21 that it will live up to its name, and advance and assure the public
22 safety of all Californians by attending to inmates in ways that hold
23 the most promise for ~~empowering~~ *enabling* each of them to cure,
24 or at least curb, their dangerous ways upon their release from
25 prison *back into our midst*.

26 SEC. 3. Section 5067.5 is added to the Penal Code, to read:

27 5067.5. The Director of Corrections shall for each inmate
28 who becomes subject to the jurisdiction of the Department of
29 Corrections on or after January 1, 2004, cause the following:

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

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

36 (c) Based on the evaluations conducted pursuant to
37 subdivisions (a) and (b), the Department of Corrections shall
38 prescribe and implement for each inmate a smart, comprehensive
39 rehabilitation program that addresses his or her deficient ~~level~~
40 ~~levels of emotional~~ *psychological*, educational, and vocational



1 development so as to better equip him or her to lead a constructive,
2 *safe* life upon his or her release from prison *into our midst*.

3 (1) The educational program shall be provided *as needed and*
4 insofar as the length of sentence allows, to enable each prison
5 inmate to qualify to pass the General Equivalency Diploma test
6 and to obtain a General Equivalency Diploma, or high school
7 equivalent, while the inmate is incarcerated, providing the inmate
8 has not yet advanced to that educational level.

9 (2) The ~~emotional~~ *psychological* program shall be provided as
10 needed to enable inmates to measure up to a standard of normalcy
11 and capacity to behave constructively and to lead self-sufficient
12 lives, according to a set of standard capacities as determined by an
13 advisory team of mental health experts appointed by the Director
14 of Corrections.

15 (3) The vocational ~~skills~~ *capacity* program shall *be provided as*
16 *needed to* equip inmates to measure up to set vocational standards,
17 according to a standard skills level determined by an advisory team
18 appointed by the Director of Corrections, of persons
19 knowledgeable in the arenas of employment and vocational
20 education.

21 (d) It is the intent of the Legislature that this program be
22 sufficiently funded and fully implemented so that each inmate is
23 enabled to prepare himself or herself to reenter ~~the~~ *our* community
24 and live constructively and safely.

25 (e) It is the intent of the Legislature that this program be
26 annually monitored and assessed by an independent agency, which
27 shall annually report to the Legislature and Governor with respect
28 to the following:

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

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

32 (3) *Whether the program is proving successful in reducing*
33 *recidivism, and improving the public safety of all Californians.*

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

35 5029. ~~(a)~~ The Director of the Department of Corrections
36 shall make a parenting education course available for every inmate
37 incarcerated in the state corrections system who is serving a
38 sentence for a crime involving his or her child or a child formerly
39 under their care and shall require these inmates to complete this
40 course prior to being eligible for parole.



1 ~~(b) The willful failure to make a parenting education course~~
2 ~~available as required by this section is punishable as a~~
3 ~~misdemeanor.~~

4 SEC. 5. ~~The California~~ *Department of the Youth Authority*
5 shall report to the Legislature no later than June 1, 2004, on their
6 implementation of Section 1120 of the Welfare and Institutions
7 Code, and their assessment of the success or failure of their efforts
8 to provide assessments and programming to meet the educational,
9 emotional, and vocational needs of their wards, together with
10 expanding their services to meet the requirements of this act for
11 adult corrections inmates.

12 SEC. 6. This act shall not become operative until January 1,
13 2004.

14 ~~SEC. 7. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~

