

AMENDED IN SENATE APRIL 4, 2006

**SENATE BILL**

**No. 1635**

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**Introduced by Senator Poochigian**

February 24, 2006

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An act to add Sections 2933, 2933.7, 2933.8, and 2933.9 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1635, as amended, Poochigian. Inmates: work credits.

Existing law authorizes the Department of Corrections and Rehabilitation to reduce an inmate's sentenced term of imprisonment through the accumulation of good-behavior credits, and worktime credits by performance in work, training, and education programs.

This bill would state that an inmate shall earn those credits only if he or she is an active participant and completes the program. The bill would render the inmate ineligible for credits for performance in a work, training or education program if he or she elects to leave the program prior to its completion without proper cause, or if the inmate is removed from the program due to misconduct or inadequate effort. This bill would require the Department of Corrections and Rehabilitation, in consultation with the Corrections Standards Authority, to adopt regulations to administer the program. The bill would require the Office of the Inspector General to evaluate and report annually on the credit policy mandated by this bill.

*Under existing law, if an inmate is willing to participate in a credit qualifying program but is not assigned to such a program full time, he or she is entitled to receive credits for that program as if he or she were assigned to it.*

*This bill would delete that provision.*

Existing law provides for various work and educational programs in the prisons.

This bill would require the department to evaluate all inmates admitted to the custody of the department after January 1, 2007, and other inmates already in the custody of the department, for their educational and vocational capacity levels and for their needs for rehabilitation and ability to lead a constructive life. The bill would require the department to provide each inmate with educational, vocational, and rehabilitation programs in order to prepare each inmate to lead a self-sufficient life without posing a threat to public safety. The bill would state the intent of the Legislature that these programs be fully funded and that the Inspector General annually monitor and assess the programs.

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

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

1     SECTION 1. Section 2933 of the Penal Code is amended to  
2     read:  
3     2933. (a) It is the intent of the Legislature that persons  
4     convicted of a crime and sentenced to the state prison under  
5     Section 1170 serve the entire sentence imposed by the court,  
6     except for a reduction in the time served in the custody of the  
7     ~~Director of Corrections~~ *Secretary of Corrections and*  
8     *Rehabilitation* for performance in work, training or education  
9     programs established by the ~~Director of Corrections~~ *secretary*.  
10    Worktime credits shall apply for performance in work  
11    assignments and performance in elementary, high school, or  
12    vocational education programs. Enrollment in a two- or four-year  
13    college program leading to a degree shall result in the application  
14    of time credits equal to that provided in Section 2931. For every  
15    six months of full-time performance in a credit qualifying  
16    program, as designated by the ~~director, a prisoner~~ *secretary, an*  
17    *inmate* shall be awarded worktime credit reductions from his or  
18    her term of confinement of six months. A lesser amount of credit  
19    based on this ratio shall be awarded for any lesser period of  
20    continuous performance. Less than maximum credit should be  
21    awarded pursuant to regulations adopted by the ~~director~~ *secretary*  
22    for ~~prisoners~~ *inmates* not assigned to a full-time credit qualifying

1 program. Every ~~prisoner~~ *inmate* who refuses to accept a full-time  
2 credit qualifying assignment or who is denied the opportunity to  
3 earn worktime credits pursuant to subdivision (a) of Section 2932  
4 shall be awarded no worktime credit reduction. Every ~~prisoner~~  
5 *inmate* who voluntarily accepts a half-time credit qualifying  
6 assignment in lieu of a full-time assignment shall be awarded  
7 worktime credit reductions from his or her term of confinement  
8 of three months for each six-month period of continued  
9 performance. ~~Except as provided in subdivision (a) of Section~~  
10 ~~2932, every prisoner willing to participate in a full-time credit~~  
11 ~~qualifying assignment but who is either not assigned to a~~  
12 ~~full-time assignment or is assigned to a program for less than full~~  
13 ~~time, shall receive no less credit than is provided under Section~~  
14 ~~2931.~~ Under no circumstances shall any ~~prisoner~~ *inmate* receive  
15 more than six months' credit reduction for any six-month period  
16 under this section.

17 (b) Worktime credit is a privilege, not a right. Worktime credit  
18 must be earned and may be forfeited pursuant to the provisions of  
19 Section 2932. The application of credit to reduce the sentence of  
20 ~~a prisoner~~ *an inmate* who committed a crime on or after January  
21 1, 1997, is subject to the provisions of Section 3067. Except as  
22 provided in subdivision (a) of Section 2932, every ~~prisoner~~  
23 *inmate* shall have a reasonable opportunity to participate in a  
24 full-time credit qualifying assignment in a manner consistent  
25 with institutional security and available resources.

26 (c) Under regulations adopted by the Department of  
27 *Corrections and Rehabilitation*, which shall require a period of  
28 not more than one year free of disciplinary infractions, worktime  
29 credit which has been previously forfeited may be restored by the  
30 ~~director~~ *secretary*. The regulations shall provide for separate  
31 classifications of serious disciplinary infractions as they relate to  
32 restoration of credits, the time period required before forfeited  
33 credits or a portion thereof may be restored, and the percentage  
34 of forfeited credits that may be restored for these time periods.  
35 For credits forfeited for commission of a felony specified in  
36 paragraph (1) of subdivision (a) of Section 2932, the ~~Department~~  
37 ~~of Corrections~~ *department* may provide that up to 180 days of  
38 lost credit shall not be restored and up to 90 days of credit shall  
39 not be restored for a forfeiture resulting from conspiracy or  
40 attempts to commit one of those acts. No credits may be restored

1 if they were forfeited for a serious disciplinary infraction in  
2 which the victim died or was permanently disabled. Upon  
3 application of the ~~prisoner~~ *inmate* and following completion of  
4 the required time period free of disciplinary offenses, forfeited  
5 credits eligible for restoration under the regulations for  
6 disciplinary offenses other than serious disciplinary infractions  
7 punishable by a credit loss of more than 90 days shall be restored  
8 unless, at a hearing, it is found that the ~~prisoner~~ *inmate* refused to  
9 accept or failed to perform in a credit qualifying assignment, or  
10 extraordinary circumstances are present that require that credits  
11 not be restored. "Extraordinary circumstances" shall be defined  
12 in the regulations adopted by the ~~director~~ *secretary*. However, in  
13 any case in which worktime credit was forfeited for a serious  
14 disciplinary infraction punishable by a credit loss of more than  
15 90 days, restoration of credit shall be at the discretion of the  
16 ~~director~~ *secretary*.

17 The ~~prisoner~~ *inmate* may appeal the finding through the  
18 Department of Corrections *and Rehabilitation* review procedure,  
19 which shall include a review by an individual independent of the  
20 institution who has supervisory authority over the institution.

21 (d) The provisions of subdivision (c) shall also apply in cases  
22 of credit forfeited under Section 2931 for offenses and serious  
23 disciplinary infractions occurring on or after January 1, 1983.

24 ~~SECTION 1.~~

25 *SEC. 2.* Section 2933.7 is added to the Penal Code, to read:

26 2933.7. (a) (1) Notwithstanding any other section of law, an  
27 inmate assigned to a work, school, or vocational program as  
28 provided in subdivision (a) of Section 2933 shall earn credits for  
29 the program only if the inmate is an active participant and  
30 completes the program. An inmate who elects to leave the  
31 program prior to its completion without good cause or who is  
32 removed from the program due to misconduct or inadequate  
33 effort is ineligible for program credits.

34 (2) For the purposes of this section "active participant" means  
35 the inmate meaningfully, regularly, and continuously engages in  
36 the activities of the program, as prescribed by the Department of  
37 Corrections and Rehabilitation.

38 (b) The Department of Corrections and Rehabilitation shall  
39 adopt regulations, in consultation with the Corrections Standards  
40 Authority, concerning credits pursuant to this section. It is the

1 intent of the Legislature to encourage inmates to complete  
2 assigned work, school, or vocational programs to the extent  
3 possible, with the goal of reducing recidivism. It is not the intent  
4 of the Legislature to penalize an inmate who may, for good  
5 cause, be unable to complete a program.

6 (c) The Office of the Inspector General shall evaluate the  
7 impact of this crediting policy on program completion, sentence  
8 reduction, and the success upon reentry of prison inmates  
9 affected by the policy, and shall report its findings annually to  
10 the Legislature and Governor.

11 ~~SEC. 2.~~

12 *SEC. 3.* Section 2933.8 is added to the Penal Code, to read:

13 2933.8. (a) For each person who is sentenced to the  
14 Department of Corrections and Rehabilitation for a felony  
15 conviction on or after January 1, 2007, both of the following  
16 shall apply:

17 (1) The department shall evaluate the inmate for his or her  
18 educational and vocational level of development and capacity  
19 and shall comprehensively evaluate the inmate with respect to his  
20 or her need for rehabilitation and ability to lead a constructive  
21 life.

22 (2) Based on the evaluations conducted pursuant to paragraph  
23 (1), the Department of Corrections and Rehabilitation shall  
24 prescribe and implement for each inmate a comprehensive  
25 rehabilitation program that addresses his or her level of  
26 educational development, vocational development, and need for  
27 rehabilitation, so as to better equip him or her to lead a  
28 constructive life without posing a threat to public safety upon his  
29 or her release from prison, as follows:

30 (A) The educational program shall be provided, insofar as the  
31 length of sentence allows, to enable each inmate to qualify to  
32 pass the California high school equivalency certificate test and to  
33 obtain a California high school equivalency certificate, or high  
34 school equivalent, while the inmate is incarcerated, if he or she  
35 has not yet advanced to that educational level.

36 (B) The rehabilitation program shall be provided to prepare  
37 the inmate to lead a self-sufficient life without posing a threat to  
38 public safety.

39 (C) The vocational—~~capacity~~ program shall be provided to  
40 equip each inmate with vocational skills to assist him or her to

1 maintain a self-sufficient life without posing a threat to public  
2 safety.

3 (b) Every inmate in the custody of the Department of  
4 Corrections and Rehabilitation prior to January 1, 2007, except  
5 for inmates who are serving a sentence of imprisonment for life  
6 without the possibility of parole, shall be subject to this section  
7 unless the law requires them to be released within 12 months.

8 (c) It is the intent of the Legislature that this program be  
9 sufficiently funded and fully implemented so that each inmate is  
10 enabled to prepare himself or herself to reenter our community  
11 and live constructively without posing a threat to public safety.

12 (d) To the extent that funds are appropriated for this purpose,  
13 the department shall accord highest priority and greatest  
14 resources in expending funds made available for this purpose, to  
15 those inmates who are nearest to release from custody.

16 (e) It is the intent of the Legislature that this program be  
17 annually monitored and assessed by the office of the Inspector  
18 General, which shall annually report to the Legislature and  
19 Governor on the following:

20 (1) The efficiency of in-prison rehabilitation programs in  
21 meeting the program's purpose, goals, and mandates.

22 (2) Identify deficiencies and proposed improvements to the  
23 programs.

24 (3) Whether the program is proving successful in reducing  
25 recidivism and improving the public safety of Californians.

26 (f) None of the provisions of this section shall be construed to  
27 create any inmate rights that may be enforced by writ or  
28 otherwise.

29 (g) The provisions of this section are severable. Should any  
30 subdivision be deemed unconstitutional by a court of competent  
31 jurisdiction, the remaining provisions of this section shall  
32 survive.

33 ~~SEC. 3.~~

34 *SEC. 4.* Section 2933.9 is added to the Penal Code, to read:

35 2933.9. (a) The rehabilitation plan enumerated in Section  
36 2933.8 shall include an inmate exit plan component.

37 (b) The exit plan shall contain all of the following items:

38 (1) The inmate's proposed principal residence.

39 (2) The inmate's proposed place of employment, or source of  
40 lawful income, or educational or vocational program.

1 (3) The inmate’s plan of continued treatment or rehabilitation,  
2 as needed.

3 (4) The inmate’s plan for compliance with all standard and  
4 special parole conditions.

5 (5) Any other provisions or requirements the department  
6 deems necessary to assist the inmate to reenter our community  
7 and live constructively without posing a threat to public safety.

8 (c) Release from the custody and jurisdiction of the California  
9 Department of Corrections and Rehabilitation, for those inmates  
10 sentenced after the effective date of the bill enacting this section,  
11 shall be conditioned upon the following requirements:

12 (1) Completion of the rehabilitation plan in Section 2933.8.

13 (2) Review and approval by the department of the inmate’s  
14 exit plan.

15 (3) Completion of an exit conference in which the inmate is  
16 presented with a report enumerating all of the following:

17 (A) Conditions of parole.

18 (B) Any special registration requirements.

19 (C) The inmate’s “three strikes” status and consequences of  
20 further violation.

21 (D) Medical, counseling, and training resources available upon  
22 parole.

23 (4) The inmate’s acknowledgment and signature of each  
24 element of the report enumerated above.