

ASSEMBLY BILL

No. 76

Introduced by Assembly Member Lieber

December 4, 2006

An act to add Section 6259.5 to, and to add Chapter 5 (commencing with Section 3430) to Title 2 of Part 3 of, the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 76, as introduced, Lieber. Corrections: female inmates.

Existing law provides for the care and custody of female inmates under the jurisdiction of the Department of Corrections and Rehabilitation.

This bill would require the department to undertake various tasks related to female offenders. The bill would require the department to develop a community-based female offender program whereby female offenders who committed a nonviolent or nonserious offense are housed in the same facility during their term of imprisonment and while participating in a residential aftercare program during parole. The bill would require the department to develop a process to secure 2,900 community correctional center beds for nonserious and nonviolent female offenders, with no more than 200 beds in each facility.

Under existing law, certain inmates are required to enter a 150-day residential aftercare drug treatment program. If an inmate successfully completes the 150-day program, he or she is discharged from parole supervision.

This bill would require the department to establish female rehabilitative community correctional centers to house inmates and parolees in accordance with the above provisions.

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. Chapter 5 (commencing with Section 3430) is
2 added to Title 2 of Part 3 of the Penal Code, to read:

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CHAPTER 5. GENDER RESPONSIVE PROGRAMS

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6 3430. The Department of Corrections and Rehabilitation shall
7 do all of the following:

8 (a) Create a Female Offender Reform Master Plan.

9 (b) Create policies and operational practices that are designed
10 to ensure a safe and productive institutional environment for female
11 offenders.

12 (c) Contract with nationally recognized gender responsive
13 experts in prison operational practices staffing, classification,
14 substance abuse, trauma treatment services, mental health services,
15 transitional services, and community corrections.

16 (d) Create a gender responsive female classification system.

17 (e) Create a gender responsive staffing pattern for female
18 institutions and community-based offender beds.

19 (f) Create a needs-based case and risk management tool designed
20 specifically for female offenders.

21 (g) Design and implement evidence-based gender specific
22 rehabilitative programs and housing strategies, including
23 “wraparound” educational, health care, vocational, substance abuse
24 and trauma treatment programs that are designed to reduce female
25 offender recidivism.

26 (h) Build and strengthen systems of family support and family
27 involvement during the period of the female’s incarceration.

28 3431. (a) The department shall develop a community-based
29 female offender program whereby female offenders who committed
30 a nonviolent or nonserious offense are housed in the same facility
31 during their term of imprisonment and while participating in a
32 residential aftercare program during parole. The facilities shall
33 provide a continuum of services during the entire period that these
34 offenders are under the jurisdiction of the department. Offenders
35 shall be matched in a cost-effective manner with the facility that

1 best achieves the goals of public protection and successful reentry.
2 To the extent feasible, an inmate shall be placed in a facility that
3 is closest to the community from which she came and to which
4 she will be returned.

5 (b) The department shall work with communities to plan,
6 develop, and operate facilities based on the latest research and
7 focused on successful reentry.

8 (c) The department shall develop a process to secure 2,900
9 community correctional center beds for nonserious and nonviolent
10 female offenders, with no more than 200 beds in each facility. The
11 department may increase the number of beds, as necessary, through
12 the regular population growth budget process.

13 (d) The department shall provide a report to the Legislature by
14 June 30, 2011, on the effectiveness of these community correctional
15 centers in rehabilitating female offenders.

16 SEC. 2. Section 6259.5 is added to the Penal Code, to read:

17 6259.5. (a) The department shall establish female rehabilitative
18 community correctional centers to house inmates and parolees in
19 accordance with Sections 3431 and 2933.4.

20 (b) These facilities shall initially be located in Alameda, Fresno,
21 Los Angeles, Sacramento, San Bernardino, and San Diego
22 Counties, due to the significant number of female inmates who
23 are from these areas.

24 (c) Custody staff at these facilities shall be provided by
25 department personnel.

26 SEC. 3. (a) The Department of Corrections and Rehabilitation
27 shall not convert any of the following facilities into facilities that
28 house male inmates without first obtaining legislative approval:
29 Valley State Prison for Women in Chowchilla, the Central
30 California Women's Facility in Chowchilla, and the California
31 Institution for Women in Corona.

32 (b) In considering whether or not to approve a proposed
33 conversion, the Legislature shall take into account the institution's
34 proximity to urban areas and access to community involvement
35 and volunteer services, among other relevant criteria.

36 SEC. 4. (a) It is the intent of the Legislature in adopting this
37 measure to do all of the following:

- 38 (1) Reduce crime and recidivism.
- 39 (2) Improve access to rehabilitation.
- 40 (3) Break the intergenerational cycle of incarceration.

- 1 (4) Reduce overcrowding to allow for conditions that promote
2 effective rehabilitation.
- 3 (5) Ensure that resources directed to newly established
4 community correctional facilities do not diminish resources for
5 programming in traditional facilities.
- 6 (6) Ensure that women are placed close to their families and
7 services in the community in order to aid rehabilitation.
- 8 (b) Upon the one-year anniversary of establishing female
9 rehabilitative community correctional facilities, the Department
10 of Corrections and Rehabilitation shall report to the Legislature
11 with an evaluation of program implementation, and any barriers
12 to implementation that were recognized.
- 13 (c) The Department of Corrections and Rehabilitation shall
14 ensure that female rehabilitative community correctional facilities
15 meet standards set forth by court orders or receiverships that are
16 placed on the department, if community correctional facilities are
17 not already subject to those court orders or receiverships.
- 18 (d) There are no exemptions created by this act in regard to
19 licensing requirements for community correctional facilities by
20 the Department of Alcohol and Drug Programs.