

Assembly Bill No. 76

Passed the Assembly September 12, 2007

Chief Clerk of the Assembly

Passed the Senate September 11, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act 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, 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, including creating a Female Offender Reform Master Plan, creating policies and practices designed to ensure a safe and productive institutional environment for female offenders, contracting for specified services related to female offenders, creating a gender responsive female classification system and staffing pattern, designing and implementing evidence-based gender specific rehabilitative programs, and establishing a family service coordinator at each female prison. The bill would prohibit the department from converting certain existing women's prisons into facilities to house male inmates without legislative approval. The bill would express the intent of the Legislature to reduce crime and recidivism, improve access to rehabilitative programs, break the intergenerational cycle of incarceration, create a therapeutic community within women's prisons, and dedicate adequate space for programming needs.

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

SECTION 1. Chapter 5 (commencing with Section 3430) is added to Title 2 of Part 3 of the Penal Code, to read:

CHAPTER 5. GENDER RESPONSIVE PROGRAMS

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

(a) Create a Female Offender Reform Master Plan, and shall present this plan to the Legislature by March 1, 2008.

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

(c) Contract with nationally recognized gender responsive experts in prison operational practices staffing, classification, substance abuse, trauma treatment services, mental health services, transitional services, and community corrections to do both of the following:

(1) Conduct a staffing analysis of all current job classifications assigned to each prison that houses only females. The department shall provide a plan to the Legislature by March 1, 2009, that incorporates those recommendations and details the changes that are needed to address any identified unmet needs of female inmates.

(2) Develop programs and training for department staff in correctional facilities.

(d) Create a gender responsive female classification system.

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

(f) Create a needs-based case and risk management tool designed specifically for female offenders. This tool shall include, but not be limited to, an assessment upon intake, and annually thereafter, that gauges an inmate's educational and vocational needs, including reading, writing, communication, and arithmetic skills, health care needs, mental health needs, substance abuse needs, and trauma-treatment needs. The initial assessment shall include projections for academic, vocational, health care, mental health, substance abuse, and trauma-treatment needs, and shall be used to determine appropriate programming and as a measure of progress in subsequent assessments of development.

(g) Design and implement evidence-based gender specific rehabilitative programs, including "wraparound" educational, health care, mental health, vocational, substance abuse and trauma treatment programs that are designed to reduce female offender recidivism. These programs shall include, but not be limited to, educational programs that include academic preparation in the areas of verbal communication skills, reading, writing, arithmetic, and the acquisition of high school diplomas and GEDs, and vocational preparation, including counseling and training in marketable skills, and job placement information.

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

(i) Establish a family service coordinator at each prison that houses only females.

SEC. 2. (a) The Department of Corrections and Rehabilitation shall not convert any of the following facilities that most recently have been used to house female inmates into a facility used to house male inmates, without first obtaining legislative approval: Valley State Prison for Women in Chowchilla, the Central California Women's Facility in Chowchilla, and the California Institution for Women in Corona.

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

SEC. 3. It is the intent of the Legislature in adopting this measure to do all of the following:

(a) Reduce crime and recidivism.

(b) Improve access to rehabilitative programs.

(c) Break the intergenerational cycle of incarceration.

(d) Create a therapeutic environment within existing women's institutions.

(e) Dedicate adequate space for educational and vocational programming needs.

Approved _____, 2007

Governor