

AMENDED IN SENATE MARCH 22, 2007

**SENATE BILL**

**No. 299**

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**Introduced by Senator Romero**

February 15, 2007

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An act ~~relating to~~ *to add Section 5040 to the Penal Code, relating to the Department of Corrections and Rehabilitation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Romero. Department of Corrections and Rehabilitation: ~~female inmates.~~ *Honor Program.*

*Under existing law, the Department of Corrections and Rehabilitation is charged with the care and custody of all state inmates.*

*This bill would require the department to develop and implement an Honor Program for level III and level IV inmates, as defined. The bill would set forth the criteria for eligibility for the program, for which inmates could volunteer. Inmates designated for the Honor Program would be allowed 4 days of visiting per week. The Honor Program would require the department to establish an Honor Program at all level III or level IV prisons, as specified. The bill would also require all newly constructed correctional facilities designated as level III or level IV facilities to contain an Honor Program yard.*

~~Existing law establishes the California Institution for Women for the punishment, treatment, supervision, custody, and care of female inmates.~~

~~This bill would make a legislative finding that a female inmate would be more prepared for reentry into society after imprisonment if a gender-specific rehabilitative program was available to her while in prison.~~

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

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

1     *SECTION 1. (a) The Legislature hereby finds and declares*  
2 *the following:*

3     *(1) Over 90 percent of inmates in California state prisons will*  
4 *return to the community.*

5     *(2) Rehabilitative programs are essential for reintegration into*  
6 *society by inmates and the protection of public safety.*

7     *(3) Level III and level IV inmates, as defined by Section 3375.1*  
8 *of Title 15 of the California Code of Regulations, having been*  
9 *convicted of serious offenses, need to be in an environment that*  
10 *will allow behavioral change to be positively reinforced, and*  
11 *maintained to increase the likelihood of successful reintegration*  
12 *into society.*

13     *(4) The Honor Program has proven itself to provide an*  
14 *environment that allows inmates to maintain positive behavioral*  
15 *change.*

16     *(5) The provision of Honor Programs promotes public safety*  
17 *by maintaining positive behavior change.*

18     *(b) (1) In enacting this measure, it is the intent of the*  
19 *Legislature to enhance public safety, and promote rehabilitation*  
20 *of level III and IV offenders by increasing the provision of Honor*  
21 *Programs at institutions throughout the State of California.*

22     *(2) It is further the intent of the Legislature to create Honor*  
23 *Programs within newly constructed Department of Corrections*  
24 *and Rehabilitation facilities, which house level III and IV inmates.*

25     *SEC. 2. Section 5040 is added to the Penal Code, to read:*

26     *5040. (a) The Department of Corrections and Rehabilitation*  
27 *shall develop and implement an Honor Program for level III and*  
28 *level IV inmates, as defined by Section 3375.1 of Title 15 of the*  
29 *California Code of Regulations, throughout the adult correctional*  
30 *system. Inmates may volunteer to participate in the program.*

31     *(b) An inmate shall meet all of the following criteria in order*  
32 *to participate:*

33     *(1) Have no active prison gang affiliation, either as a member*  
34 *or associate.*

35     *(2) Shall not be designated as qualified for a sensitive needs*  
36 *yard.*

37     *(3) Shall be amenable to program participation, including a*  
38 *willingness to program with inmates of any race.*

1 (4) *Have an in-prison record that includes no work-related rules*  
2 *violation reports in the past two years and, as for level III inmates,*  
3 *no serious rules violation reports in the past two years, and, as*  
4 *for level IV inmates, no serious rules violation reports in the past*  
5 *three years.*

6 (5) *Be drug-free and agree to random drug testing.*

7 (6) *Shall not be designated as single-cell status.*

8 (7) *Shall apply in writing.*

9 (c) *An inmate who is deemed to be qualified for Honor Program*  
10 *placement shall be placed on a master list maintained by*  
11 *Classification Services Unit staff.*

12 (d) *Honor Program facilities shall be established based on the*  
13 *number of qualified inmates on the master list, as soon as feasible.*

14 (e) *Notwithstanding any other provisions, inmates participating*  
15 *in the Honor Program shall be allowed four days of visiting per*  
16 *week.*

17 (f) *The department shall phase-in implementation of Honor*  
18 *Programs at all institutions containing level III or level IV yards,*  
19 *as follows:*

20 (1) *Once a sufficient number of inmates eligible for the program*  
21 *are identified within an institution, the department shall transfer*  
22 *those eligible inmates to a designated Honor Program yard at that*  
23 *institution.*

24 (2) *Eligible inmates may designate an alternative institution in*  
25 *which they would be willing to serve their sentence in the Honor*  
26 *Program.*

27 (g) *All newly constructed correctional facilities designated as*  
28 *level III or level IV facilities shall contain an Honor Program*  
29 *yard.*

30 ~~SECTION 1.—The Legislature finds that to ensure public safety,~~  
31 ~~it is essential that the Department of Corrections and Rehabilitation~~  
32 ~~provides inmates with rehabilitative programs. Research shows~~  
33 ~~that gender-specific programs for female inmates enables more~~  
34 ~~complete reentry into society for female inmates than rehabilitative~~  
35 ~~programs not tailored to the specific needs of female inmates.~~