

Introduced by Senator Kuehl

February 22, 2008

An act to add Section 5069.5 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1555, as introduced, Kuehl. Older prisoners.

Existing law requires the Department of Corrections and Rehabilitation to implement various studies and programs with regard to prisoner welfare, which include an ombudsperson program, mental health services, and rehabilitation programs for injured prisoners.

This bill would require the department to implement an elder identification card program for prisoners 55 years of age and older, to give those prisoners priority with regard to specified daily living activities. The bill would also require the department to implement an elder work policy, an elder helper program, age-appropriate programs and activities, and other related services. The bill would require the department to permit prisoners to establish an Aging Prisoner Subcommittee, as specified, and would require the Governor to appoint an ombudsperson with expertise in gerontology to monitor the progress of the department in meeting the needs of older prisoners.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The number of older prisoners in California is increasing
- 4 exponentially. As of 2005, there were more than 8,500 prisoners

1 over 55 years of age under the authority of the Department of
2 Corrections and Rehabilitation. Based on previous data, it is
3 estimated that those numbers will double by 2010. The Legislative
4 Analyst's Office estimates that by 2022, California will incarcerate
5 more than 30,200 prisoners over 55 years of age, or 16 percent of
6 the total prisoner population.

7 (b) The definition of an "older prisoner" is not clearly defined
8 and varies from state to state. According to a report published by
9 the Department of Corrections and Rehabilitation in 1999, prisoners
10 55 years of age or older are considered to be "older prisoners."
11 People in prison age faster than members of the general population.
12 Research indicates that a prisoner's physiological age is, on
13 average, seven to 10 years older than his or her chronological age.
14 Research suggests this difference may relate to the stress of
15 incarceration, history of substance abuse, and lack of access to
16 health services prior to incarceration.

17 (c) The annual cost of incarcerating an older prisoner is
18 approximately three times that of a younger prisoner. In California,
19 that cost equates to one hundred thirty-eight thousand dollars
20 (\$138,000) per year per older prisoner.

21 SEC. 2. Section 5069.5 is added to the Penal Code, to read:

22 5069.5. (a) The department shall implement an elder
23 identification card program for prisoners 55 years of age and older.
24 Possession of an elder identification card shall entitle the bearer
25 to all of the following:

26 (1) To leave his or her cell or housing unit before other prisoners
27 in order to provide priority access to the dining halls, pill line, or
28 commissary.

29 (2) To walk the shortest possible route to a given destination.

30 (3) To be exempt from getting down on the ground for alarms.

31 (b) The department shall implement an elder work policy. When
32 the prisoner reaches 55 years of age, the prisoner shall be given
33 the option to participate in a modified work or program assignment
34 during that year and thereafter. Prisoners participating in a modified
35 work or program assignment shall continue to receive full work
36 credits. The department shall identify age-appropriate job and
37 program assignments specifically designated for older prisoners.
38 Priority consideration for placement in these assignments shall be
39 given to prisoners 55 years of age and older.

1 (c) The department shall implement an elder helper job
2 assignment for younger prisoners to assist older prisoners with
3 daily activities, such as shopping at the commissary, cleaning cells,
4 and doing laundry. Elder helpers shall be screened for in-prison
5 disciplinary history, trained for this position, and compensated for
6 this work.

7 (d) The department shall permit prisoners 55 years of age and
8 older to establish an Aging Prisoner Subcommittee, similar to the
9 Inmate Advocacy Councils, to meet no less than four times a year
10 with the warden and appropriate custody and medical staff for the
11 purpose of communicating issues and concerns that are unique to
12 the aging prisoner population of that institution.

13 (e) The department shall implement age-appropriate programs
14 and activities specially geared to older adults. These may include
15 support or activity groups specific to issues impacting elders, such
16 as health education workshops about the aging process, grief
17 counseling groups, and physical exercise programs.

18 (f) The department shall provide prerelease planning to ensure
19 that older prisoners who qualify for public benefits upon release
20 are able to complete the application process prior to release from
21 state prison.

22 (g) The department shall develop and implement ongoing
23 training for cadets and existing correctional and health staff on
24 working with elder prisoners.

25 (h) The Governor shall appoint an ombudsperson with expertise
26 in gerontology to monitor the progress of the department in
27 implementing policies aimed at meeting the needs of elder
28 prisoners. This ombudsperson shall be responsible for responding
29 to complaints from older prisoners.