

**Introduced by Senator Liu**February 12, 2009

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An act to amend Section 4024 of the Penal Code, relating to jails.

## LEGISLATIVE COUNSEL'S DIGEST

SB 153, as introduced, Liu. Jails: discharge of prisoners.

Existing law establishes that the sheriff may discharge any prisoner from the county jail at such time on the last day a prisoner may be confined as the sheriff considers to be in the best interests of the prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the superior court.

This bill would provide that the sheriff shall discharge a prisoner upon the completion of his or her sentence between the hours of 6 a.m. and 6 p.m., with certain exceptions. The bill would specify that it shall not be construed to allow jails to retain a prisoner any longer than otherwise required or to prevent the early release of prisoners, as specified. Because this bill would require that prisoners be released from jail during a specific time, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares the following:

2 (a) City and county jails throughout California regularly release  
3 jailed persons during nighttime hours.

4 (b) Persons released during late night hours are unable to access  
5 basic reentry services, are susceptible to victimization, and may  
6 jeopardize public safety.

7 (c) Persons released who are homeless are left to the streets  
8 until morning, as most shelters close intake in the early evening  
9 hours.

10 (d) Persons who suffer from mental illness or substance  
11 addiction are unable to access immediate treatment services  
12 following a late night release from jail.

13 (e) Many California counties have reentry centers that provide  
14 a range of services and referrals for persons recently released from  
15 jail; however, most centers are typically open during business  
16 hours only, leaving persons who are released at night without these  
17 immediate benefits.

18 (f) While some jurisdictions have attempted to address this  
19 issue, there is no standardized policy in place to govern release  
20 times.

21 (g) County detention facilities in New Jersey, Florida, Michigan,  
22 and Nevada follow local procedures to release individuals around  
23 6 a.m. on the day ordered released, with an exception made when  
24 bail is posted.

25 (h) Personal safety is a major concern for prisoners who are  
26 released at night, particularly with regard to women released in  
27 urban areas. Incidents of victimization following late night release  
28 are not uncommon.

29 (i) Las Vegas Metro Detention Center in Nevada releases men  
30 and women during the day and night; however, women released  
31 at night are brought to a designated part of the city due to safety  
32 concerns.

33 (j) Advocates and county staff in jurisdictions including Los  
34 Angeles, San Mateo, San Francisco, and Alameda Counties have  
35 identified the late night release of prisoners as a serious public  
36 safety issue.

37 SEC. 2. Section 4024 of the Penal Code is amended to read:

1 4024. ~~The~~ (a) Upon completion of a sentence served, the  
2 sheriff may discharge ~~any~~ a prisoner from the county jail ~~at such~~  
3 ~~time~~ between the hours of 6 a.m. and 6 p.m. on the last day ~~such~~  
4 the prisoner may be confined as the sheriff shall consider to be in  
5 the best interests of the prisoner.

6 (b) Any release ordered by the court to be effected on the same  
7 day must be completed by 8 p.m. of that day, including releases  
8 of prisoners who are released on their own recognizance, who  
9 have their charges dismissed by the court, or who are acquitted  
10 by a jury.

11 (c) Subdivision (a) shall not apply to prisoners who are released  
12 for reasons other than the completion of a prison sentence,  
13 including prisoners released after being cited for misdemeanors,  
14 posting bail, or after the dropping of charges by the prosecutor.

15 (d) Nothing in this section shall be construed to prevent the  
16 early release of prisoners as otherwise allowed by law or to allow  
17 jails to retain prisoners any longer than otherwise required by  
18 law.

19 SEC. 3. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.