

AMENDED IN SENATE MAY 10, 2011
AMENDED IN SENATE APRIL 25, 2011
AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 906

Introduced by Senator DeSaulnier

February 18, 2011

An act to add Section 676 to the Penal Code, relating to criminal defendants.

LEGISLATIVE COUNSEL'S DIGEST

SB 906, as amended, DeSaulnier. Defendants: incarceration.

Existing law, in part, provides that all persons concerned in the commission of a crime, whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encouraged its commission, or who, by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed. Existing law provides that a criminal conspiracy requires an agreement and some criminal act, besides the agreement, be done within this state to effect the object of the conspiracy, by one or more of the parties to the agreement, in order to constitute a conspiracy.

This bill would prohibit the ~~agency or department having custody of 2 defendants~~ *Department of Corrections and Rehabilitation*, when notified by a prosecuting attorney or court that the 2 defendants are either codefendants or coconspirators in the commission of a violent felony, from housing those inmates within sight or sound of each other and require, to the extent possible, those inmates be housed in separate facilities.

~~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 declare that no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. Section 676 is added to the Penal Code, to read:
2 676. When notified by a prosecuting attorney or court that two
3 defendants are either codefendants or coconspirators in the
4 commission of a violent felony as described in subdivision (c) of
5 Section 667.5, ~~the agency or department having custody of the~~
6 ~~defendants~~ *Department of Corrections and Rehabilitation* shall
7 not house those inmates within sight or sound of each other and,
8 to the extent possible, those inmates shall be housed in separate
9 facilities.

10 SEC. 2. ~~No reimbursement is required by this act pursuant to~~
11 ~~Section 6 of Article XIII B of the California Constitution because~~
12 ~~the only costs that may be incurred by a local agency or school~~
13 ~~district will be incurred because this act creates a new crime or~~
14 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
15 ~~for a crime or infraction, within the meaning of Section 17556 of~~
16 ~~the Government Code, or changes the definition of a crime within~~
17 ~~the meaning of Section 6 of Article XIII B of the California~~
18 ~~Constitution.~~