

ASSEMBLY BILL

No. 293

Introduced by Assembly Member Levine

February 11, 2015

An act to add Section 5004.7 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 293, as introduced, Levine. Prisons: inmate threats.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety.

This bill would require the department to establish a statewide policy on operational procedures for the handling of threats made by inmates, and threats made by family members of inmates, against department staff. The bill would require that the policy include methods to ensure that department staff members are advised of threats made against them by inmates and their family members and that all threats against department staff made by inmates and their family members are thoroughly investigated. The bill would require an individual institution within the department that has a more detailed policy to make the policy accessible to every member of the staff of the institution. The bill would

require the department to provide training on the policy developed pursuant to these provisions as part of its existing training programs.

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. Section 5004.7 is added to the Penal Code, to
2 read:
3 5004.7. (a) The department shall establish a statewide policy
4 on operational procedures for the handling of threats made by
5 inmates, and threats made by family members of inmates, against
6 department staff. The policy shall include methods to ensure that
7 department staff members are advised of threats made against them
8 by inmates or their family members and shall require that all threats
9 against department staff made by inmates or their family members
10 are thoroughly investigated. A copy of the statewide policy shall
11 be accessible to members of the public upon request.
12 (b) This section does not prohibit an individual institution within
13 the department from developing a more detailed notification
14 procedure for advising staff members of threats made against them.
15 If an individual institution has a more detailed policy, the policy
16 shall be accessible to every member of the staff of the institution.
17 (c) The department shall provide training on the policy
18 developed pursuant to this section as part of its existing training
19 programs.

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