

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2012

**Introduced by Assembly Members Bigelow, Wilk, Cooper, and
Jones-Sawyer
(Principal coauthor: Assembly Member Hadley)
(Coauthor: Assembly Member Santiago)**

February 16, 2016

An act to amend ~~Section 4327~~ *Sections 4327, 4497.50, and 4497.52* of, to amend the heading of Chapter 2.5 (commencing with Section 4325) of Title 4 of Part 3 of, to repeal Sections 4326 and 4329 of, and to repeal and add Section 4325 of, the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

AB 2012, as amended, Bigelow. Jail Industry ~~Program~~. *Authority.*

Existing law authorizes the board of supervisors in specified counties, as part of a pilot jail industry program not to exceed 4 years, to establish, with the concurrence of the county sheriff, a Jail Industry Commission for that county. Existing law also requires the county board of supervisors, upon the establishment of a commission, to create a Jail Industries Fund, as specified, which may be used to fund specified purposes. Existing law specifies the composition of these commissions.

This bill would repeal the authorization to create a Jail Industry Commission as a pilot program, and would instead authorize the board of supervisors of the Counties of Los Angeles, Sacramento, San Diego, San Joaquin, Sonoma, *Stanislaus*, Tulare, Tuolumne, and Ventura to authorize the county sheriff or county director of corrections to create

a Jail Industry ~~Program~~, *Authority*, as specified. The bill would also make conforming changes.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Los Angeles, Sacramento, San Diego, San Joaquin, Sonoma, *Stanislaus*, Tulare, Tuolumne, and Ventura.

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

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

1 SECTION 1. The heading of Chapter 2.5 (commencing with
2 Section 4325) of Title 4 of Part 3 of the Penal Code is amended
3 to read:

4
5 CHAPTER 2.5. JAIL INDUSTRY ~~PROGRAMS~~ *AUTHORITY*

6
7 SEC. 2. Section 4325 of the Penal Code is repealed.

8 SEC. 3. Section 4325 is added to the Penal Code, to read:
9 4325. (a) The board of supervisors of the Counties of Los
10 Angeles, Sacramento, San Diego, San Joaquin, Sonoma, *Stanislaus*,
11 Tulare, Tuolumne, and Ventura may authorize, by ordinance or
12 resolution, the sheriff or county director of corrections to create a
13 Jail Industry ~~Program~~ *Authority* within the county jail system.

14 (b) The purpose of the Jail Industry ~~Program~~ *Authority* includes
15 all of the following:

16 (1) To develop and operate industrial, agricultural, or service
17 enterprises or programs employing prisoners in county correctional
18 facilities under the jurisdiction of the sheriff or county director of
19 corrections.

20 (2) To create and maintain working conditions within the
21 enterprises or programs as similar as possible to those that prevail
22 in private industry.

23 (3) To ensure prisoners have the opportunity to work
24 productively and earn funds, if approved by the board of
25 supervisors pursuant to Section 4019.3, and to acquire or improve
26 effective work habits and occupational skills.

27 (4) To allow inmates who participate in the enterprise or
28 program the opportunity to earn additional time credits allowed

1 under Section 4019.1 or 4019.4, if authorized by the sheriff or
2 county director of corrections.

3 SEC. 4. Section 4326 of the Penal Code is repealed.

4 SEC. 5. Section 4327 of the Penal Code is amended to read:

5 4327. Upon the establishment of the Jail Industry ~~Program,~~
6 *Program or Jail Industry Authority*, the board of supervisors shall
7 establish a Jail Industries Fund, which may be a revolving fund,
8 for funding the operations of the program. All jail industry income
9 shall be deposited in, and any prisoner compensation shall be paid
10 to the account of the prisoner from, the Jail Industries Fund.

11 SEC. 6. Section 4329 of the Penal Code is repealed.

12 SEC. 7. *Section 4497.50 of the Penal Code is amended to read:*

13 4497.50. In order to be eligible to receive funds derived from
14 the issuance of General Obligation Bonds under the County
15 Correctional Facility Capital Expenditure and Youth Facility Bond
16 Act of 1988, a county or city and county shall do all the following:

17 (a) In the design and planning of facilities whose construction,
18 reconstruction, or remodeling is financed under the County
19 Correctional Facility Capital Expenditure and Youth Facility Bond
20 Act of 1988, products for construction, renovation, equipment,
21 and furnishings produced and sold by the Prison Industry Authority
22 or local ~~jail industry programs~~ *Jail Industry Authorities* shall be
23 utilized in the plans and specifications unless the county or city
24 and county demonstrates either of the following to the satisfaction
25 of the ~~Board of Corrections or the Department of the Youth~~
26 ~~Authority:~~ *Board of State and Community Corrections or the*
27 *Department of Corrections and Rehabilitation, Division of Juvenile*
28 *Justice.*

29 (1) The products cannot be produced and delivered without
30 causing delay to the construction of the property.

31 (2) The products are not suitable for the facility or competitively
32 priced and cannot otherwise be reasonably adapted.

33 (b) Counties and cities and counties shall consult with the staff
34 of the Prison Industry Authority or local ~~jail industry program~~ *Jail*
35 *Industry Authority* to develop new products and adapt existing
36 products to their needs.

37 (c) The Board of *State and Community* Corrections or the
38 ~~Department of the Youth Authority~~ *of Corrections and*
39 *Rehabilitation, Division of Juvenile Justice*, shall not enter into
40 any contract with any county or city and county until that county's

1 or city and county’s plan for purchase from and consultation with
 2 the Prison Industry Authority or local jail industry program is
 3 reviewed and approved by the Board of *State and Community*
 4 *Corrections* or the Department of ~~the Youth Authority~~: *Corrections*
 5 *and Rehabilitation, Division of Juvenile Justice.*

6 *SEC. 8. Section 4497.52 of the Penal Code is amended to read:*
 7 4497.52. Notwithstanding any other provision of law, a county
 8 or city and county may contract for the purchase of products as
 9 specified in Section 4497.50 with the Prison Industry Authority
 10 or local jail industry program *Jail Industry Authority* without the
 11 formality of obtaining bids or otherwise complying with provisions
 12 of the Public Contract Code.

13 ~~SEC. 7.~~

14 *SEC. 9.* The Legislature finds and declares that a special law
 15 is necessary and that a general law cannot be made applicable
 16 within the meaning of Section 16 of Article IV of the California
 17 Constitution because of the unique needs of the Counties of Los
 18 Angeles, Sacramento, San Diego, San Joaquin, Sonoma, *Stanislaus,*
 19 Tulare, Tuolumne, and Ventura.