

AMENDED IN ASSEMBLY SEPTEMBER 8, 1995

AMENDED IN ASSEMBLY AUGUST 29, 1995

AMENDED IN ASSEMBLY JULY 15, 1995

AMENDED IN SENATE MAY 30, 1995

AMENDED IN SENATE APRIL 24, 1995

SENATE BILL

No. 1221

Introduced by Senator Calderon

**(Coauthors: Senators Ayala, Costa, Haynes, Johannessen,
and Monteith)**

(Coauthors: Assembly Members Aguiar, Bordonaro, Bowler,
Cunneen, Harvey, Rainey, and Woods)

February 24, 1995

An act to amend Section 2601 of the Penal Code, ~~relating to prisoners~~ *and to amend the Budget Act of 1995 (Chapter 303 of the Statutes of 1995) by amending Item 0110-001-001 and Item 0120-011-001 of Section 2.00 thereof, relating to state government, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1221, as amended, Calderon. ~~Prisoners~~ *State government: prisoners: civil rights: state budget.*

Under existing law, a person sentenced to imprisonment in a state prison may during that period of confinement be deprived of only those rights as is reasonably related to legitimate penological interests. Existing law additionally enumerates certain civil rights of a state prisoner, including,

among others, the right to inherit, own, sell, or convey real or personal property and to purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office.

This bill would delete from those enumerated civil rights of a state prisoner, the right to have personal visits, to marry, to create a power of appointment, to make a will, and to receive specified benefits. The bill also would provide that a state prisoner is otherwise entitled only to those rights established by the California and the United States Constitutions.

This bill would amend the Budget Act of 1995 by reducing the amount appropriated for the operating expenses of the Senate by \$1,312,000 and augmenting the amount appropriated for the operating expenses of the Assembly by \$1,312,000.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 2601 of the Penal Code is
2 amended to read:

3 2601. (a) Except as provided in subdivision (b), each
4 person described in Section 2600 is entitled only to those
5 rights established by the California Constitution and the
6 United States Constitution. Furthermore, any other
7 activities permitted to any inmate beyond those required
8 constitutionally shall be subject to rules established by the
9 Director of Corrections who may grant privileges and
10 specify allowable conduct for the inmates on a group or
11 individual basis.

12 (b) Subject only to the provisions of that section, each
13 person described in Section 2600 shall have the following
14 civil rights:

15 (1) Except as provided in Section 2225 of the Civil
16 Code, to inherit, own, sell, or convey real or personal
17 property, including all written and artistic material
18 produced or created by that person during the period of
19 imprisonment. However, to the extent authorized in
20 Section 2600, the Department of Corrections may restrict



1 or prohibit sales or conveyances that are made for
2 business purposes.

3 (2) (A) To purchase, receive, and read any and all
4 newspapers, periodicals, and books accepted for
5 distribution by the United States Post Office. Pursuant to
6 this section, prison authorities may exclude any of the
7 following matter:

8 (i) Obscene publications or writings, and mail
9 containing information concerning where, how, or from
10 whom this matter may be obtained.

11 (ii) Any matter of a character tending to incite
12 murder, arson, riot, violent racism, or any other form of
13 violence.

14 (iii) Any matter concerning gambling or a lottery.

15 (B) Nothing in this section shall be construed as
16 limiting the right of prison authorities to do the following:

17 (i) Open and inspect any and all packages received by
18 an inmate.

19 (ii) Establish reasonable restrictions as to the number
20 of newspapers, magazines, and books that the inmate may
21 have in his or her cell or elsewhere in the prison at one
22 time.

23 (3) To initiate civil actions, subject to a three dollar
24 (\$3) filing fee to be collected by the Department of
25 Corrections, and subject to Title 3a (commencing with
26 Section 391) of the Code of Civil Procedure.

27 (4) To correspond, confidentially, with any member of
28 the State Bar or holder of public office, provided that the
29 prison authorities may open and inspect incoming mail to
30 search for contraband.

31 (5) To receive all benefits provided for in Sections
32 3370 and 3371 of the Labor Code.

33 SEC. 2. The Legislature finds and declares that the
34 provision of any privileges to inmates in the state prison
35 may be granted pursuant to prison rules or regulations
36 promulgated for that purpose.

37 SEC. 3. *Item 0110-001-001 of Section 2.00 of the*
38 *Budget Act of 1995 (Chapter 303 of the Statutes of 1995)*
39 *is amended to read:*



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2 *SEC. 4. Item 0120-011-001 of Section 2.00 of the*
3 *Budget Act of 1995 (Chapter 303 of the Statutes of 1995)*
4 *is amended to read:*

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