

AMENDED IN ASSEMBLY APRIL 25, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2506

**Introduced by Assembly Members Romero and Ashburn
(Coauthors: Assembly Members Campbell and Keeley)**

February 24, 2000

An act to amend Section 4024.1 of the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2506, as amended, Romero. Prisons: early release.

Existing law permits ~~prisoners~~ *inmates* to be released early from county or city jails because of overcrowding as long as certain requirements are met.

This bill would require ~~that~~ any prisoner released from jail because of overcrowding to finish the remainder of his or her sentence in a home confinement or electronic monitoring program, *as defined. This bill would also provide that the inmate's inability to pay the fees for this program shall not preclude release pursuant to these provisions, and eligibility for release shall not be enhanced by an ability to pay.*

Because this bill would impose new duties on local correctional agencies, it would impose 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, including the creation of a State

Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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. Section 4024.1 of the Penal Code is
2 amended to read:

3 4024.1. (a) The sheriff, chief of police, or any other
4 person responsible for a county or city jail may apply to
5 the presiding judge of the municipal or superior court to
6 receive general authorization for a period of 30 days to
7 release inmates pursuant to the provisions of this section.

8 (b) Whenever, after being authorized by a court
9 pursuant to subdivision (a), the actual inmate count
10 exceeds the actual bed capacity of a county or city jail, the
11 sheriff, chief of police, or other person responsible for
12 ~~such~~ the county or city jail may accelerate the release,
13 discharge, or expiration of sentence date of sentenced
14 inmates up to a maximum of five days.

15 (c) The total number of inmates released pursuant to
16 this section shall not exceed a number necessary to
17 balance the inmate count and actual bed capacity.

18 (d) Inmates closest to their normal release, discharge,
19 or expiration of sentence date shall be given accelerated
20 release priority.

21 (e) The number of days that release, discharge, or
22 expiration of sentence is accelerated shall in no case
23 exceed 10 percent of the particular inmate's original
24 sentence, prior to the application thereto of any other
25 credits or benefits authorized by law.

26 (f) In the event that ~~a prisoner~~ *an inmate* is released
27 under this section, ~~the inmate~~ *he or she* shall be required
28 to finish the remainder of his or her sentence in a home



1 confinement or electronic monitoring system that meets
2 the requirements of Section 1203.016 and is under the
3 supervision of the county's chief corrections officer.

4 (g) *An inmate's inability to pay all or a portion of the*
5 *fees for a program of home confinement or electronic*
6 *monitoring system shall not preclude release pursuant to*
7 *this section, and eligibility for release shall not be*
8 *enhanced by reason of the inmate's ability to pay.*

9 (h) *As used in this section "electronic monitoring"*
10 *includes, the following:*

11 (1) *The use of a device that has the following*
12 *attributes:*

13 (A) *The device is designed to be worn by a human*
14 *being.*

15 (B) *The device emits a signal as a person is moving or*
16 *stationary*

17 (C) *The device functions 24 hours per day.*

18 (D) *The device is resistant or impervious to*
19 *unintentional or willful damage.*

20 (2) *A system of continuous electronic monitoring that*
21 *includes computer software and hardware and other*
22 *equipment as may be necessary to identify the location,*
23 *direction, and speed of movement of the person wearing*
24 *the transmitting device.*

25 (3) *The use of all forms of monitoring technologies,*
26 *provided they meet the specifications and requirements*
27 *for supervision established by the county's chief*
28 *corrections officer.*

29 SEC. 2. Notwithstanding Section 17610 of the
30 Government Code, if the Commission on State Mandates
31 determines that this act contains costs mandated by the
32 state, reimbursement to local agencies and school
33 districts for those costs shall be made pursuant to Part 7
34 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the
36 claim for reimbursement does not exceed one million
37 dollars (\$1,000,000), reimbursement shall be made from
38 the State Mandates Claims Fund.

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