

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 3043 (Jones-Sawyer) – As Amended May 11, 2020

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires the Department of Corrections and Rehabilitation (CDCR) to approve an inmate's request to make a confidential call to their attorney if the attorney's place of work is more than 75 miles from the institution, and requires CDCR to provide the inmate at least 30 minutes per month to make such calls.

FISCAL EFFECT:

Minor and absorbable costs to CDCR for staff to facilitate monthly confidential phone calls.

COMMENTS:

1) **Purpose.** According to the author:

While in-person communication is ideal, that cannot always be arranged. This bill will protect access to meaningful legal representation when attorneys are unable to appear in person. With all of the changes in operation of state facilities following the COVID-19 pandemic effective and protected communication with legal counsel is of the utmost importance.

2) **Background.** Existing law provides inmates the right to communicate confidentially with a member of the California State Bar, but does not necessarily apply to phone calls. CDCR regulations state if an inmate wants to make a confidential telephone call with an attorney, the inmate must apply for approval from CDCR. Once the application is completed and approved, CDCR retains the authority to approve or deny confidential calls on a case-by-case basis. Inmates at CDCR pay approximately \$1.14 for a 15 minute phone call, or \$2.28 for a 30 a minute phone call. This bill does not require CDCR to pay the cost of the phone call; only that CDCR provide the inmate time to make the call. Telephone communications between counsel and inmates has skyrocketed during the COVID-19 pandemic.

3) **Arguments in Support.** According to the California Public Defenders Association:

AB 3043 addresses this problem by simply requiring prisons to permit short calls between inmates and their attorneys, provided that the attorney works more than 75 miles from the prison in which the inmate is housed.

- 4) **Related Legislation.** SB 555 (Mitchell), of the 2019-2020 Legislative Session, prohibits county jails and juvenile facilities from collecting any profits from canteen sales and restricts a county's ability to contract for communication or information services. SB 555 is pending in this committee.

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