

CONCURRENCE IN SENATE AMENDMENTS

AB 3043 (Jones-Sawyer)

As Amended August 4, 2020

Majority vote

SUMMARY:

Requires the Department of Corrections and Rehabilitation (CDCR) to approve an attorney's request to make a confidential call to a client they represent at a CDCR facility, and requires CDCR to provide the inmate at least 30 minutes per month, per inmate, per case, to make such calls unless the attorney or the inmate requests less time.

The Senate Amendments:

- 1) Eliminate the requirement that the attorney's place of work be at least 75 miles away from the facility where the inmate is located.
- 2) Specify that the attorney must make the request for the call rather than the inmate.
- 3) Specify that CDCR must provide 30 minutes per month, per inmate, for each case the inmate has, rather than simply providing 30 minutes per month per inmate.

COMMENTS:**According to the Author:**

"Access to confidential conversations with an attorney is critical to the health and safety of inmates. A private conversation with one's counsel may be the only way those incarcerated are able to report instances of abuse or mistreatment. 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."

Arguments in Support:

According to the *California Public Defenders Association*, "Under current law, state prison inmates have a constitutional right to communicate privately with their attorneys. However, because many inmates are not housed in their home county, they are frequently held in prisons located hundreds of miles from their attorney's actual office, making in-person visitation difficult, if not impossible.

"Even if an attorney is able to travel to a prison far away from their place of business, the current system places a burden on both the attorney (who must spend an entire day travelling for a single thirty minute interview) and on prison staff (who must spend time screening the attorney before entry to the prison). The need to reform the existing limitations on the attorney-client communication process in state prison is particularly evident given the current pandemic, because in-person visitation places attorneys, inmates, and staff at risk of infection.

"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."

Arguments in Opposition:

None on file

FISCAL COMMENTS:

According to the Senate Appropriations Committee, unknown costs ranging from minor and absorbable to the hundreds of thousands of dollars, depending on if this measure prompts increased demand for confidential calls and if there currently exists sufficient infrastructure, resources, and personnel to meet the demand. (General Fund)

VOTES:**ASM PUBLIC SAFETY: 8-0-0**

YES: Jones-Sawyer, Lackey, Bauer-Kahan, Diep, Kamlager, Carrillo, Santiago, Wicks

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas, Voepel

ASSEMBLY FLOOR: 76-0-3

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, O'Donnell, Obernolte, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon
ABS, ABST OR NV: Low, Muratsuchi, Quirk

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk
ABS, ABST OR NV: Jones

UPDATED:

VERSION: August 4, 2020

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