

## ASSEMBLY THIRD READING

AB 2023 (Bennett)

As Amended March 16, 2022

Majority vote

**SUMMARY**

Entitles a person incarcerated in, or recently released from, a county jail to have access to up to three free telephone calls in the county jail to plan for a safe and successful release.

**Major Provisions**

- 1) Requires the sheriff to make the county jail's release standards, processes, and schedules available to a person following the determination to release the person.
- 2) Requires county jail release standards to include the timeframe for the expected release of a person, following the determination to release the person, and that the person is entitled to up to three free telephone calls.
- 3) States that a person incarcerated in, or recently released from, a county jail shall have access to up to three free telephone calls in the county jail.
- 4) States that these rights apply to any person being released from a county jail, including but not limited to a person who has completed a sentence served by a person or the release of a person ordered by the court to be effected the same day, including persons released on their own recognizance, have their charges dismissed by the court, are acquitted by a jury, are cited and released on a misdemeanor charge, have posted bail, or have the charges against them dropped by the prosecutor.

**COMMENTS****According to the Author**

"Many inmates suffering from mental illness receive health care services while incarcerated. However, justice system personnel, behavioral health and service practitioners, researchers, and policymakers agree that a continuum of care is needed to ensure successful treatment. As the new CalAIM program regarding in-jail services continues to evolve this year at the Department of Health Care Services, AB 2023 will help ensure individuals released from county jails are given release information and access to free telephone calls."

**Arguments in Support**

According to the *California Judges Association*, the sponsor of this bill, "Discharge planning at our county jails is crucial as incarcerated individuals being released are at a critical junction when reintegrating into society. Our mental health judges see those counties with robust discharge planning as having lower recidivism rates and help address the issues of homelessness, substance abuse and medical treatment. Last year, AB 133 [(Budget Committee), Chapter 143, Statutes of 2021] was enacted to establish the California Advancing and Innovating Medi-Cal (CalAIM) within the Department of Health Care Services. One of CalAIM's directives is to engage with in-custody jail inmates for Medi-Cal pre-enrollment as well as connecting these individuals with services upon their release. These "warm handoffs", as its commonly referred to

by judges, assists these recently released individuals have access to medications, housing, transportation, and other needed services. CalAIM will start engaging in our county jails starting on January 1, 2023 and has the opportunity to really help this recently incarcerated population.

"AB 2023 is part of a larger effort to improve discharge planning overall. Specifically, this bill seeks to ensure that county jail inmates have access to release information, such as release standards, release processes and release schedules. Additionally, this bill grants these inmates, before their release or right upon the time of their release, with access to up to three free telephone calls. The California Judges Association believes that granting information about their release and the ability to make free telephone calls will help with coordinate of transportation from jail and the opportunity to arrange for housing and medical appointments."

### **Arguments in Opposition**

None submitted

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, costs (General Fund/Proposition 30) possibly in excess of \$150,000 in additional staff workload across all 58 counties for sheriff departments to provide three free phone calls to inmates being released and to provide release procedures to inmates prior to release. The Los Angeles County Sheriff's Department, for instance, releases dozens or even hundreds of inmates each day. It may require additional deputies to transport and supervise phone use for multiple people before release and to provide release procedures to each inmate when their release date is determined. If ten counties are each required to hire one new deputy or one civilian employee to comply with the requirements of this bill, at an average cost of \$65,000 annually, the cost statewide would be \$650,000. GF costs will depend on whether the Commission on State Mandates determines this bill imposes local reimbursable costs. Pursuant to Proposition 30 (November 2012), any legislation enacted after September 30, 2012, that has an overall effect of increasing costs already borne by a local agency for programs or levels of service mandated by realignment (including management of local jails, child welfare services and foster care) applies to local agencies only to the extent that the state provides annual funding for the cost increase. Proposition 30 has never been litigated and, as a result, it is unclear what constitutes a reimbursable state-mandated local program pursuant to Proposition 30.

### **VOTES**

#### **ASM PUBLIC SAFETY: 7-0-0**

**YES:** Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

#### **ASM APPROPRIATIONS: 16-0-0**

**YES:** Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

### **UPDATED**

VERSION: March 16, 2022

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