
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2023 **Hearing Date:** June 21, 2022
Author: Bennett
Version: March 16, 2022
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Jails: discharge plans*

HISTORY

Source: California Judges Association

Prior Legislation: SB 42 (Skinner), vetoed in 2019
SB 833 (Liu), Ch. 90, Stats. 2014

Support: Association of Regional Center Agencies; California Catholic Conference;
California Public Defenders Association; County Behavioral Health Directors
Association of California; Govern for California; National Association of Social
Workers, California Chapter; Steinberg Institute

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to entitle a person incarcerated in, or recently released from, a county jail to have access to up to three free phone calls in the county jail to plan for a safe and successful release.

Existing law provides that the sheriff may discharge any person from the county jail at such time on the last day such person may be confined as the sheriff shall consider to be in the best interests of the person. (Pen. Code, § 4024, subd. (a).)

Existing law provides that upon completion of a sentence served by a person or the release of a person ordered by the court to be effected the same day, including persons that are 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, the sheriff may offer a voluntary program to the person that would allow that person to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the person the ability to be discharged to a treatment center or during daytime hours. Provides that the person may revoke their consent and be discharged as soon as possible and practicable. (Pen. Code, § 4024, subd. (b)(1).)

Existing law requires that a sheriff offering this program, whenever possible, allow the person volunteering to participate in the program to make a phone call to either arrange for

transportation, or to notify the bail agent, or both. (Pen. Code, § 4024, subd. (b)(5).)

Existing law authorizes the sheriff, or any other person responsible for a county jail, to apply to the presiding judge of the superior court to receive general authorization for a period of 30 days to release inmates to relieve overcrowding, as specified. (Pen. Code, § 4024.1.)

Existing law provides that a peace officer may release from custody, instead of taking the person before a magistrate, a person arrested without a warrant in specified circumstances. (Pen. Code, § 849, subd. (b).)

This bill requires the sheriff to make the release standards, release processes, and release schedules of the county jail available to a person following the determination to release that person.

This bill requires the release standards to include the list of enumerated rights and the timeframe for the expedient release of a person following the determination to release that person.

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

This bill provides that the rights established above apply to any person being released from a county jail, including, but not limited to, a person who has completed a sentence served, has been ordered by the court to be released, has been released on the person's own recognizance, has been released because the charges have been dismissed by the court, is acquitted by a jury, is cited and released on a misdemeanor charge, has posted bail, has complied with pretrial release conditions, or has had the charges dropped by the prosecutor.

COMMENTS

1. Need For This Bill

According to the author:

With a severe shortage of inpatient care for people with mental illness, and the country's inability to meet the growing demand for mental health services, the United States has found itself in a new public health emergency.

...

Within California alone, a report conducted by California Health Policy Strategies, analyzed data from the Board of State and Community Corrections (BSCC) Jail Profile Survey (JPS). Researchers found that in 2009, there were an average of approximately 15,500 open mental health cases reported by the counties on a monthly basis. In 2019, the same average jumped to about 22,000. This represents a 42% increase in the number of active mental health cases reported by the counties on a monthly basis. Additionally, the proportion of incarcerated individuals in California jails with an open mental health case rose from 19% in 2009 to 31% in 2019. ... [B]etween 2009 and 2019, the number of incarcerated individuals decreased while the number of incarcerated individuals

with an open mental health case increased. Data regarding psychotropic medication prescriptions shows a similar trend. ...

Upon release from jail or prison, many people lack access to services and, too often, become enmeshed in a cycle of costly justice system involvement. The days and weeks following community reentry are a time of heightened vulnerability. AB 2023 makes it easier for those exiting our penal system to plan for release by requiring sheriffs to make release standards, the release process, and a release schedule available to the individual being released. Additionally, this bill guarantees an individual up to three phone calls to be able to plan for their release. These are modest changes, that will allow for individuals being released, as well as their friends and family, to be better prepare for their release.

2. Release Procedures

In recent years, there have been growing concerns related to the procedures and protocols pertaining to a person's release from a county jail. Specifically, advocates have argued that release protocols should be adopted or changed in order to ensure the safe release of a person from custody back into the community. In 2019, the Legislature passed SB 42 (Skinner) which would have required that all county jails follow specified procedures for releasing a person from jail, including providing a place for the person to wait after release during evening hours. SB 42 additionally would have required a county jail to provide to a person incarcerated in or recently released from county jail up to three free phone calls from a phone in the county jail to plan for a safe and successful release. Finally, SB 42 would have required county sheriffs to make the release standards, release processes, and release schedules of a county jail available to the public, post them on the sheriff's website, and make them available to individuals upon being booked into a county jail. SB 42 was vetoed due to the breadth of the mandates in the bill and the high costs associated with those mandates.

This bill contains some provisions similar to those in SB 42. Specifically, this bill would require that a person incarcerated in or recently released from a county jail have access to up to three phone calls from a phone in the county jail to plan for a safe and successful release. This bill would also require a county sheriff to make a jail's release standards, processes, and schedules available to a person following the determination to release the person, and specifies that the release standards include the list of the rights provided for in this bill, which include the timeframe of the release of the person, and that the person is entitled to up to three phone calls.

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