
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 2023 (Bennett) - Jails: discharge plans

Version: March 16, 2022

Urgency: No

Hearing Date: August 1, 2022

Policy Vote: PUB. S. 4 - 0

Mandate: Yes

Consultant: Matthew Fleming

Bill Summary: AB 2023 would require a county sheriff's department to provide a person incarcerated in, or recently released from, a county jail access to up to three free telephone calls to plan for a safe and successful release. The bill would also require the sheriff to make the county jail's release standards, processes and schedules available to an incarcerated person following the determination to release of that person.

Fiscal Impact: Unknown, ongoing and potentially-reimbursable costs in the hundreds of thousands for local governments to provide the minimum allowable telephone access for incarcerated persons in local facilities (General Fund).

Background: 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.

Proposed Law:

- 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.
- 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.
- 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.

- 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.

Related Legislation:

- SB 1008 (Becker, 2022) would require state and local correctional facilities to provide voice communication services to incarcerated persons free of charge. SB 1008 is pending in the Assembly Appropriations Committee.
- SB 42 (Skinner, 2021) would have required each county sheriff to develop comprehensive release standards to provide the safe release of a person from custody. SB 42 was vetoed by Governor Newsom.

Staff Comments: This bill may increase 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.

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. The GF costs of AB 2023 will depend on whether the Commission on State Mandates determines this bill imposes local reimbursable costs.

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