
THIRD READING

Bill No: AB 2023
Author: Bennett (D)
Amended: 3/16/22 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-0, 6/21/22
AYES: Bradford, Kamlager, Skinner, Wiener
NO VOTE RECORDED: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 6-0, 8/11/22
AYES: Portantino, Bates, Bradford, Jones, Laird, Wieckowski
NO VOTE RECORDED: McGuire

ASSEMBLY FLOOR: 76-0, 5/25/22 - See last page for vote

SUBJECT: Jails: discharge plans

SOURCE: California Judges Association

DIGEST: This bill entitles 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.

ANALYSIS:

Existing law:

- 1) 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).)
- 2) 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).)

- 3) 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).)
- 4) 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.)
- 5) 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:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.

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.

This bill contains some provisions similar to those in SB 42. Specifically, this bill requires 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 also requires 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, 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).

SUPPORT: (Verified 8/11/22)

California Judges Association (source)
Association of Regional Center Agencies
California Catholic Conference
California Federation of Teachers
California Public Defenders Association
Govern for California

National Association of Social Workers, California Chapter
Steinberg Institute

OPPOSITION: (Verified 8/11/22)

None received

ASSEMBLY FLOOR: 76-0, 5/25/22

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom,
Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi,
Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong,
Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson,
Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee,
Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin,
Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva,
Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas,
Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel,
Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO VOTE RECORDED: Berman, O'Donnell

Prepared by: Stephanie Jordan / PUB. S. /
8/13/22 9:37:38

**** **END** ****