
THIRD READING

Bill No: AB 1269
Author: Bryan (D), et al.
Amended: 5/28/25 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/8/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 78-0, 6/3/25 - See last page for vote

SUBJECT: County and city jails: incarcerated person contacts

SOURCE: Black Lives Matter California; Black Lives Matter Los Angeles;
Black Lives Matter Grassroots

DIGEST: This bill requires county and city jails to notify all people covered by the current medical release of information and next-of-kin form within 24 hours of the death of an incarcerated person.

ANALYSIS:

Existing law:

- 1) Requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities and requires the board to review those standards biennially and make appropriate revisions. (Penal Code (Pen. Code), § 6030, subd. (a).)
- 2) Provides that the county jails are used for the following purposes:
 - a) For the detention of persons committed in order to secure their attendance as witnesses in criminal cases;
 - b) For the detention of persons charged with crime and committed for trial;

- c) For the confinement of persons committed for contempt, or upon civil process, or by other authority of law;
 - d) For the confinement of persons sentenced to imprisonment in a county jail upon a conviction for crime; and,
 - e) For the confinement of persons for a violation of the terms and conditions of their postrelease community supervision. (Pen. Code, § 4000.)
- 3) Requires the Department of Corrections and Rehabilitation (CDCR) to ask every incarcerated person, at intake, whom they want covered by the following documents: approved visitor list; medical release of information form; medical power of attorney form; and, next-of-kin form authorizing control over body and possessions in case of death. Requires that incarcerated persons have the ability to update these forms at any time, and requires CDCR to offer incarcerated persons the opportunity to review and update these forms at least annually. (Pen. Code, § 6401, subd. (a).)
- 4) Requires CDCR, within 24 hours of an incarcerated person being hospitalized for a serious or critical medical condition, to inform all persons covered by the current medical release of information form about the incarcerated person's health status, and to facilitate telephone calls between the incarcerated person and those persons if the incarcerated person consents. A serious or critical medical condition may include any of the following:
- a) A medical professional has determined that the incarcerated person needs medical treatment for a terminal disease;
 - b) A medical professional has determined that the incarcerated person needs to receive life-sustaining medical treatment; or,
 - c) The incarcerated person has been admitted to a public or community hospital. (Pen. Code, § 6401, subd. (b).)
- 5) Requires CDCR to notify all persons covered by the current medical release of information form and next of kin form within 24 hours if an incarcerated person has died. (Pen. Code, § 6401, subd. (b)(1)(B).)
- 6) Requires CDCR to obtain from an incarcerated person, upon entry and annually, the name and last known address and phone number of any person or persons to be notified in the event of the incarcerated person's death or serious illness or serious injury. Requires the persons be listed in the order of the incarcerated person's preference. Requires the incarcerated person be provided

with the opportunity to modify or amend the notification list at any time. (Pen. Code, § 5022, subd. (a).)

- 7) Requires CDCR to use all reasonable means to contact the person or persons set forth in the notification list upon the death or serious illness or serious injury of the incarcerated person. (Pen. Code, § 5022, subd. (b).)

This bill:

- 1) Requires a county or city jail to notify all people covered by the current medical release of information form and the next-of-kin form within 24 hours if an incarcerated person has died.
- 2) Establishes this provision as Wakiesha's Law.

Background

Under current law, CDCR is required to obtain the name and last known address and phone number of any person or persons to be notified in the event of the incarcerated person's death or serious illness or serious injury. (Pen. Code, § 5022, subd. (a).) CDCR is also required to use all reasonable means to contact the person or persons set forth in the notification list upon the death or serious illness or serious injury of the incarcerated person. (Pen. Code, § 5022, subd. (b).)

Existing law also requires CDCR ask each incarcerated person, at intake, who they want listed on a variety of documents, including the medical release of information form. (Pen. Code, § 6401, subd. (a).) CDCR must inform all persons covered by the current medical release of information form within 24 hours of an incarcerated person being hospitalized for a serious or critical medical condition about the incarcerated person's health status. (Pen. Code, § 6401, subd. (b).) CDCR must also notify all persons covered by the current medical release of information form and next-of-kin form within 24 hours if an incarcerated person has died. (Pen. Code, § 6401, subd. (b)(1)(B).)

There are no state laws or regulations that require local correctional facilities to obtain the information of individuals to be contacted in the event that an incarcerated person in a local facility dies, and there are no laws or regulations requiring a local correctional facility to notify an incarcerated individual's designated contacts upon their death.

Supporters of this bill assert that there should be a notification requirement when an incarcerated person dies in a city or county jail, particularly in light of an increase in in-custody jail deaths over the past two decades. (See, e.g., Keri Blakinger, *Three Inmates Died in Los Angeles County Jails in Just Over a Week* (Mar. 28, 2023) <<https://www.latimes.com/california/story/2023-03-28/three-inmates-died-in-the-los-angeles-county-jails-in-just-over-a-week> ; California State Auditor, *San Diego County Sheriff's Department – It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody*, Report 2021-109, (Feb. 3, 2022) available at <<http://www.auditor.ca.gov/reports/2021-109/index.html>_.)

This bill requires a county or city jail to notify all people covered by the current medical release of information form and the next-of-kin form within 24 hours if an incarcerated person has died.

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

SUPPORT: (Verified 8/18/25)

Black Lives Matter California (co-source)
 Black Lives Matter Los Angeles (co-source)
 Black Lives Matter Grassroots (co-source)
 ACLU California Action
 California Public Defenders Association
 Drug Policy Alliance
 Ella Baker Center for Human Rights
 Initiate Justice
 Justice2Jobs Coalition
 La Defensa
 1 individual

OPPOSITION: (Verified 8/18/25)

None received

ASSEMBLY FLOOR: 78-0, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell,

Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega,
Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos,
Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio,
Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa,
Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Castillo

Prepared by: Stephanie Jordan / PUB. S. /
8/20/25 23:35:42

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