

March 21, 2006

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Patricia Galvan
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as “California Prisoner Rehabilitation Act” (SA2006RF0014, Amdt. #1-S).

Current Law and Policies

Current state law emphasizes the importance of inmates having visitors in order to improve prison safety, maintain an inmate’s connection with his/her family and community, and prepare an inmate for successful reentry and rehabilitation into society. Otherwise, current law does not regulate inmate visits, thereby allowing the California Department of Corrections and Rehabilitation (CDCR) to establish such policies.

Current CDCR policies allow family visiting for certain inmates, and each prison operates at least one housing unit for family visiting. The department defines family visiting as extended, overnight visiting for immediate family members. Inmates may participate in family visiting if they are assigned to a program—including education or work assignments—or are awaiting placement in a program. Other inmates are barred from family visiting, including inmates who have committed a sex offense or a violent offense against a family member. In addition, the department does not permit the following inmates to participate in family visiting: inmates sentenced to life in prison (“lifers”), inmates condemned to death, inmates housed in reception centers or disciplinary confinement (such as administrative segregation and Security Housing Units), as well as inmates who have committed specified violations while in prison.

Major Provisions

This measure changes the conditions under which inmates may participate in family visiting. Three of the changes would limit the number of inmates who could participate in family visits, while one change would expand the number of inmates who could participate in such visits. The provisions that would reduce the number of inmates eligible for family visits are the requirements that participating inmates (1) have a high school diploma or

equivalent, (2) undergo random drug tests, and (3) participate in Alcoholics Anonymous or Narcotics Anonymous (AA/NA) if the prison provides these programs. The provision that would potentially increase the number of eligible inmates is one that allows lifers to participate in family visiting.

Fiscal Effect

The fiscal impact of this measure is unknown and would largely depend on the number of inmates who would be eligible to participate in family visiting under its provisions. The proposed provisions requiring inmates to have a high school diploma or equivalent, undergo drug testing, and participate in AA/NA would likely exclude many inmates from participating in family visiting. However, the measure's provision allowing lifers to participate could increase demand for family visiting. In the short term, the net impact of these provisions is unknown, but could result in fewer inmates being eligible for family visiting than are eligible currently. In the long term, the provision allowing lifers to participate in family visiting could result in increased demand for these visits. To the extent that this increased demand occurs, the measure could require the construction of additional family visiting units, resulting in additional state capital and operating costs. The magnitude of these costs is unknown, but could be as much as a couple tens of millions of dollars, primarily for one-time construction costs.

Summary of Fiscal Effect

This measure would have the following fiscal effects:

- Potential state costs of as much as a couple tens of millions of dollars in the long term, primarily in one-time costs for the construction of additional family visiting units in prisons.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance