

September 11, 2007

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Toni Melton
Initiative Secretary

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Prisoner Rights Act of 2008" (File No. 07-0040).

Current Law

The state and federal Constitutions provide state prison inmates with certain legal rights, such as a right to freedom from cruel and unusual punishment. State statutes provide additional rights to inmates, including the right to own property and obtain written materials, such as newspapers and books. The state Penal Code also prohibits the state from depriving inmates of rights unless it is for a legitimate correctional purpose. These laws provide correctional officials some discretion to adopt policies and regulations that can restrict some inmate rights if doing so would serve a sound correctional purpose, such as ensuring the safety of inmates, prison staff, or prison visitors. For example, correctional policies limit visiting and recreational activities of inmates who have violated specified prison rules.

Proposal

This initiative would expand prisoners' legal rights in several ways. For example, the proposal allows every inmate to meet confidentially with representatives of the news media, receive at least a minimum number of visiting and recreational hours each week, and have access to hobby and music programs. The measure repeals an existing statute that permits correctional officials to prohibit inmates from receiving obscene written materials.

In addition, it states that the only restrictions on inmate rights that are permitted are those denied them by the state or federal Constitutions or the state Penal Code. This means that restrictions on inmate rights could not be put in place solely through the adoption of administrative policies or regulations by correctional officials.

Fiscal Effect

This measure would result in significant additional state prison operating costs of several tens of millions of dollars annually. This is primarily due to the provisions in this measure providing inmates access to visits at each prison for a minimum of 56 hours per week. Correctional officials now generally permit inmate visiting for at least 12 hours per week, and some inmates involved in misconduct are not permitted to have any visitors. The additional inmate visiting hours would in many cases require additional staff to escort inmates to and from visiting rooms and to supervise such visits. This measure would also result in one-time costs of up to a couple tens of millions of dollars to construct and renovate inmate visiting facilities at state prisons.

Summary of Fiscal Effect

The measure would have the following fiscal effects:

- Increased prison operating costs of several tens of millions of dollars annually primarily to increase inmate access to visiting.
- One-time capital outlay costs of up to a couple tens of millions of dollars to construct and renovate prison visiting facilities.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance