

Assembly Bill No. 1743

Passed the Assembly September 12, 2007

Chief Clerk of the Assembly

Passed the Senate September 6, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to San Quentin State Prison.

LEGISLATIVE COUNSEL'S DIGEST

AB 1743, Huffman. San Quentin State Prison: condemned inmate facilities.

Existing law requires male state prison inmates who have been sentenced to death to be housed at San Quentin State Prison. An existing appropriation provided money for a new condemned inmate complex on that site.

This bill would make findings and declarations about the inadequacy of existing condemned inmate facilities, and the cost overruns of the proposed condemned inmate complex. The bill would prohibit the Department of Corrections and Rehabilitation from spending any money on the proposed condemned inmate complex at San Quentin State Prison until certain conditions are met. One of those conditions is the completion of an evaluation by the Bureau of State Audits on condemned inmate facility alternatives. The bill would express the intent of the Legislature that copies of the evaluation be distributed to certain committees of the Legislature by May 30, 2008.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Existing condemned inmate facilities at San Quentin State Prison do not meet the maximum security design criteria established by the Department of Corrections and Rehabilitation.

(b) In the Budget Act of 2003, two hundred twenty million dollars (\$220,000,000) was authorized for a new condemned inmate facility at San Quentin State Prison. The department's revised cost estimates reflect a 53-percent increase, even though the facility's proposed inmate capacity has been reduced by 25 percent from the initial authorization.

(c) Given rising construction costs and the history of underestimating costs for projects at the San Quentin State Prison

site, total expenditures on the new condemned inmate complex could substantially exceed the three hundred thirty-six million five hundred thousand dollar (\$336,500,000) estimate.

(d) In their 2007–08 Judicial & Criminal Justice Budget Analysis, the Legislative Analyst’s Office concluded that:

(1) The construction cost of the proposed condemned inmate complex, even if the department’s new cost estimate is correct, would be three hundred thousand dollars (\$300,000) per bed, more than twice the cost of other high-security beds.

(2) In light of the various fiscal and operational problems with the project, the proposed condemned inmate complex at San Quentin State Prison should be cancelled and the remaining project funding be used to expand condemned inmate capacity elsewhere.

(e) The Legislature should reevaluate whether the proposed condemned inmate complex at San Quentin State Prison is a prudent expenditure of taxpayer funds and whether, given all relevant fiscal, public safety, correctional officer and inmate safety, legal rights, and civil liberty considerations, there are better alternatives for housing male condemned inmates.

(f) The department owns 275 acres at the site of San Quentin State Prison, many of which are not actively used by the department. The proposed condemned inmate complex at San Quentin State Prison would be segregated from existing correctional facilities and occupy a large area in the southwestern portion of the department’s property at San Quentin. As a result, its construction would foreclose opportunities for state partnership with local governments on noncorrectional, public uses of this land, including public transportation, health care, and affordable housing, including uses that could generate substantial revenues for the state. The state has not studied the alternative of constructing a condemned inmate complex at San Quentin State Prison in a manner that preserves the possibility for these noncorrectional uses in the southwestern portion of the San Quentin property.

(g) Identifying alternatives that obviate the need for a new condemned inmate complex occupying the southwestern portion of the San Quentin property could lead to potential savings in facility construction, and also preserve the state’s ability to pursue the aforementioned noncorrectional uses of this portion of the San Quentin property while keeping the majority of the San Quentin

property for correctional uses. This could produce substantial revenues for the state in addition to helping address local and regional transportation, health care, or affordable housing needs.

SEC. 2. The Department of Corrections and Rehabilitation shall not expend any money on the proposed condemned inmate complex at San Quentin State Prison until all of the following occur:

(a) The Evaluation of Condemned Inmate Facility Alternatives has been completed as specified in Section 3 of this act.

(b) The Legislature, interested parties, and the public have had 40 days to review that evaluation.

(c) The Legislature expressly authorizes the expenditure of funds on that complex.

SEC. 3. (a) It is the intent of the Legislature that the Joint Legislative Audit Committee will request the Bureau of State Audits to complete an Evaluation of Condemned Inmate Facility Alternatives. It is the intent of the Legislature that the evaluation will reflect the current legal requirement that the judgment of death be executed at San Quentin State Prison, and that the evaluation will consider all of the following:

(1) A cost comparison between various alternatives, taking into account capital outlay costs in addition to projected expenditures on maintenance and operations.

(2) Use of prison facilities other than San Quentin State Prison to meet male condemned inmate housing needs.

(3) Whether facilities can be constructed to house some or all male condemned inmates at San Quentin in a manner that preserves the possibility for noncorrectional uses in the southwestern portion of the San Quentin State Prison property.

(4) Any alternatives that include housing condemned male inmates at facilities other than San Quentin State Prison shall meet the requirements of paragraphs (1) and (2) of subdivision (c) of Section 3600 of the Penal Code.

(5) Access and proximity to state and federal courts, counsel, medical care, and family.

(6) Concerns about housing condemned inmates in a location separate from the site of execution.

(7) Difficulty finding qualified counsel to represent inmates in habeas corpus proceedings.

(8) Costs associated with the distance between inmates, courts, counsel, medical care, and other relevant resources, particularly with regard to the unique needs of condemned inmates.

(9) Compliance with relevant legal orders.

(b) It is the intent of the Legislature that copies of the evaluation will be distributed to the membership of the Assembly and Senate Committees on Public Safety, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, and the Joint Legislative Budget Committee, no later than May 30, 2008.

Approved _____, 2007

Governor