

AMENDED IN SENATE JANUARY 24, 2024

AMENDED IN SENATE JANUARY 22, 2024

SENATE BILL

No. 254

Introduced by Senator Skinner

January 30, 2023

An act to add Sections 6357 and 6357.1 to the Penal Code, relating to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 254, as amended, Skinner. Correctional facilities: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows unscheduled interviews with inmates.

This bill would require the Department of Corrections and Rehabilitation to permit representatives of the news media to tour a facility or interview prisoners in person, as specified. The bill would prohibit retaliation against an incarcerated person for participating in a visit by, or communicating with, a representative of the news media.

The bill would require all Department of Corrections and Rehabilitation facilities to allow state officials, as specified, to visit those facilities at any time and meet with incarcerated people upon request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 6357 is added to the Penal Code, to read:

6357. (a) The Department of Corrections and Rehabilitation shall permit representatives of the news media to tour a facility or interview incarcerated people in person, including prearranged interviews with specified incarcerated people and individuals encountered by a representative of the news media while covering a facility tour, activity, event, or program. Representatives of the news media shall also be allowed to document conditions that exist within the prison or jail in areas that are accessible by incarcerated people.

(b) During any tour or interview with an incarcerated person, a representative of the news media may use materials and equipment necessary to conduct the tour or interview, including, but not limited to, pens, pencils, papers, and audio and video recording devices. These items may be subject to search only for the purpose of protecting against an immediate and direct threat to the security of the institution. The contents of the information that representatives of the news media collect during a tour or interview, including notes, papers, and audio and video recordings, shall not be reviewed or copied by representatives of the institution.

(c) A news media representative who desires to tour or conduct an interview at an institution shall make the request prior to the tour or interview in writing to the warden or the institution's public information office.

(d) Staff shall notify an incarcerated person of each interview request, and no interview shall be permitted without the incarcerated person's consent.

(e) An incarcerated person shall not receive compensation for interviews with the news media.

(f) The warden may deny a tour or interview with a particular incarcerated person if it is determined that the tour or interview would pose an immediate and direct threat to the security of the institution or the physical safety of a member of the public. This notification shall be given to the requestor within 48 hours of receiving the request. The representative of the news media shall receive an explanation of the specific reasons for the denial no later than five days after the notification.

(g) In order to ensure the security of the institution, the physical safety of the public, and the efficient administration of news media interviews, the Department of Corrections and Rehabilitation may establish reasonable time, place, and manner restrictions for prison

1 interviews, including limitations on the number of interviews per
2 prisoner in a specified time period, limitations on the amount of
3 audio, video, and film equipment entering the facility for the
4 interview, and arrangements for pool interviews if the number of
5 journalists requesting to interview any one prisoner is excessive.

6 (h) No incarcerated person may have their visitation limited or
7 revoked because of a visit or potential visit from a representative
8 of the news media, nor may a prisoner be punished, reclassified,
9 disciplined, transferred to another prison against their wishes, or
10 otherwise retaliated against, for participating in a visit by, or
11 communicating with, a representative of the news media.

12 (i) Interviews, whether in person or via telephone or video
13 conferencing, shall not be subject to audio or video monitoring or
14 recording by anyone other than the representative of the news
15 media.

16 (j) For the purposes of this section, “representative of the news
17 media” means a duly authorized representative of any news service,
18 online news service, newspaper, or radio or television station or
19 network.

20 SEC. 2. Section 6357.1 is added to the Penal Code, to read:

21 6357.1. The following persons shall be authorized to visit at
22 their pleasure all Department of Corrections and Rehabilitation
23 facilities and meet with incarcerated people upon request:

24 (a) The Governor and all Cabinet members.

25 (b) Members of the Legislature and up to one staff member per
26 legislator.

27 (c) Current and retired judges of the State of California.

28 (d) Members of the Committee on the Revision of the Penal
29 Code and committee staff.