

File No. 230490

Committee Item No. _____

Board Item No. 44

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: May 2, 2023

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

- AB 1226 032223
- CSAC LCC Position
- _____
- _____
- _____
- _____

Prepared by: Arthur Khoo

Date: April 27, 2023

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 1226 (Haney) - Keep Families Close Act]

2

3 **Resolution supporting California State Assembly Bill No. 1226, Keep Families Close**
4 **Act, authored by Assembly Member Matt Haney, to require the California Department of**
5 **Corrections and Rehabilitation to respect the rights of minor children to remain in**
6 **contact with their incarcerated parents.**

7

8 WHEREAS, Parents and caregivers play a critical role in the development of their
9 children and data shows that up until the age of 18, frequent contact between the child and
10 their parent is crucial for the child’s behavioral and emotional development; and

11 WHEREAS, Currently, about 195,000 children have incarcerated parents in California
12 state prisons; and

13 WHEREAS, Due to sudden separation from their caregiver, children with incarcerated
14 parents experience unique issues such as antisocial behavior and drug abuse, however,
15 children who are able to maintain contact with their parents, experience less severe harmful
16 impacts; and

17 WHEREAS, The existing law requires the California Department of Corrections and
18 Rehabilitation (CDCR) to conduct assessments and examinations of all inmates who are
19 newly committed to a state prison that include investigation of all pertinent circumstances of
20 the person’s life, including, but not limited to, data regarding the inmate’s history of substance
21 abuse, medical and mental health, education, family background, criminal activity, and social
22 functioning; and

23 WHEREAS, The existing law requires the Secretary of the Department of Corrections
24 and Rehabilitation to assign a prisoner to the institution of the appropriate security level and

25

1 gender population nearest the prisoner’s home, unless other classification factors make such
2 a placement unreasonable; and

3 WHEREAS, In a large state like California, there are thousands of incarcerated parents
4 who are placed more than 500 miles from their children; and

5 WHEREAS, Incarcerated mothers, in particular, struggle to maintain contact with their
6 children as more than half of incarcerated mothers do not receive any visits from their children
7 while they are in prison; and

8 WHEREAS, The single most significant reason for the lack of contact is the children’s
9 distance from their mothers’ prisons, many of which are located far from major cities; and

10 WHEREAS, Research shows that children with incarcerated mothers particularly
11 struggle with behavioral health issues, which underscores the need for children to maintain
12 contact with their incarcerated parents, especially mothers; and

13 WHEREAS, In 2019, CDCR released information that only 25% of incarcerated people
14 in California state prisons are placed in institutions less than 100 miles from home; and

15 WHEREAS, The long distances place a burden on families who do not have the
16 financial means or the time to travel across the state for family visits and visitation falls off
17 significantly the farther from home a person is incarcerated; and

18 WHEREAS, 50% of people placed less than 50 miles away from home receive frequent
19 family visitation, but only 15% of people placed 500 miles away receive visitors; and

20 WHEREAS, Assembly Bill No. 1226 (AB 1226), the Keep Families Close Act, authored
21 by Assembly Member Matt Haney (AD-17) will require the CDCR to respect the rights of minor
22 children to remain in contact with their incarcerated parents and place any newly incarcerated
23 parent, legal guardian, or caregiver of a minor child in the correctional facility closest to that
24 child’s home; and

25

1 WHEREAS, AB 1226 will also allow already incarcerated parents to request a transfer
2 to a prison closer to their child’s home; and

3 WHEREAS, AB 1226 has bipartisan support at the California State Legislature and
4 recently passed out of the Assembly Public Safety Committee on March 27, 2023,
5 unanimously; and

6 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
7 State Assembly Bill No. 1226, the Keep Families Together Act, and urges the California State
8 Legislature to pass this bill to make it easier between children and their incarcerated parents
9 to maintain contact and build their relationship while the parent is serving their term in an
10 institution closest to their child’s home; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
12 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
13 Toni Atkins, California Assembly Speaker Anthony Rendon, Governor Gavin Newsom, and
14 the Bill’s primary sponsor, Assembly Member Matt Haney.

15
16
17
18
19
20
21
22
23
24
25

AMENDED IN ASSEMBLY MARCH 22, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1226

Introduced by Assembly Member Haney
(Coauthor: Senator Wiener)

February 16, 2023

An act to repeal and add Section 5068 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1226, as amended, Haney. Corrections: Placement of incarcerated persons.

Existing law requires the Department of Corrections and Rehabilitation to conduct assessments and examinations of all inmates who are newly committed to a state prison that include investigation of all pertinent circumstances of the person's life, including, but not limited to, data regarding the inmate's history of substance abuse, medical and mental health, education, family background, criminal activity, and social functioning.

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to assign a prisoner to the institution of the appropriate security level and gender population nearest the prisoner's home, unless other classification factors make such a placement unreasonable.

This bill, for an incarcerated person with a parent and child relationship with a child under 18 years of age, as specified, or who is a guardian or relative caregiver of a child, as defined, would require the secretary to place the person in the correctional institution or facility that is located nearest to the primary place of residence of the person's

child, provided that the placement would be suitable and appropriate, would facilitate increased contact between the person and their child, and the incarcerated parent gives their consent to the placement. *The bill would authorize the department to reevaluate an incarcerated person’s placement to determine whether existing orders should be modified, including whether the person’s child has moved to a place significantly nearer to an otherwise suitable and appropriate institution. The bill would allow an incarcerated person to request a review of their housing assignment when there is a change in the primary place of residence of the person’s child upon which the person’s housing assignment was based.*

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 5068 of the Penal Code is repealed.
- 2 SEC. 2. Section 5068 is added to the Penal Code, to read:
- 3 5068. (a) For purposes of this section, the following terms
- 4 have the following meanings:
- 5 (1) “Incarcerated person’s home” means a place where the
- 6 incarcerated person’s spouse, parents, or children reside at the time
- 7 ~~of commitment. commitment or at the time of a review of an~~
- 8 ~~incarcerated person’s classification or housing assignment.~~
- 9 (2) “Reasonable” includes consideration of the safety of the
- 10 incarcerated person and the ~~institution, the length of term, and the~~
- 11 ~~availability of institutional programs and housing.~~ *institution.*
- 12 (3) “Reassign” means to transfer an incarcerated person’s
- 13 *housing assignment from one institution to another.*
- 14 (b) (1) The Secretary of the Department of Corrections and
- 15 Rehabilitation shall evaluate a person who is newly committed to
- 16 a state prison. The evaluation shall include the investigation of all
- 17 pertinent circumstances of the person’s life, including the existence
- 18 of any strong community and family ties, the maintenance of which
- 19 may aid in the person’s rehabilitation, and the antecedents of the
- 20 violation of law because of which the person has been committed
- 21 to prison. ~~A person may be reexamined to determine whether~~
- 22 ~~existing orders and dispositions should be modified or continued~~
- 23 ~~in force.~~

1 (2) *An incarcerated person's placement may be reevaluated to*
2 *determine whether existing orders and dispositions should be*
3 *modified or continued in force, including, but not limited to,*
4 *whether a child described in subparagraph (A) of paragraph (2)*
5 *of subdivision (c) has moved to a place significantly nearer to an*
6 *otherwise suitable and appropriate institution.*

7 (c) (1) The secretary shall classify incarcerated persons based
8 on the ~~evaluation~~ *evaluations described* in subdivision (b), and
9 when reasonable, the secretary shall assign *or reassign* an
10 incarcerated person to the institution of the appropriate security
11 level and gender population nearest the incarcerated person's home,
12 unless other classification factors make that placement
13 unreasonable.

14 (2) (A) If the incarcerated person has a parent and child
15 relationship with a child under 18 years of age, as described in
16 Chapter 2 (commencing with Section 7610) of Part 3 of Division
17 12 of the Family Code, or is a guardian or relative caregiver as
18 defined in Section 17550 of the Family Code, the secretary shall
19 place the person in the correctional institution or facility that is
20 located nearest to the primary place of residence of the person's
21 child, provided that the placement is suitable and appropriate,
22 would facilitate increased contact between the person and their
23 child, and the incarcerated parent gives their consent to the
24 placement.

25 (B) *An incarcerated person may request a review of their*
26 *housing assignment when there is a change in the primary place*
27 *of residence of the person's child upon which the person's housing*
28 *assignment was based.*

29 ~~(B)~~

30 (C) If an incarcerated person has more than one child under 18
31 years of age, the department shall make a separate determination
32 for each individual child.

33 (d) When the diagnostic study of an incarcerated person
34 committed to an indeterminate sentence pursuant to subdivision
35 (b) of Section 1168 indicates the need for a psychiatric or
36 psychological evaluation, the secretary shall cause a psychiatric
37 or psychological report to be prepared for the Board of Parole
38 Hearings prior to the release of the incarcerated person. The report
39 shall be prepared by a psychiatrist or psychologist licensed to
40 practice in this state.

1 (e) Before the release of an incarcerated person committed under
2 subdivision (b) of Section 1168, the secretary shall provide the
3 Board of Parole Hearings with a written evaluation of the
4 incarcerated person.

O

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#); [Low, Jen \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#)
Subject: Walton - Introduction - Resolution in Support of AB 1226
Date: Tuesday, April 25, 2023 3:56:09 PM
Attachments: [Walton - Introduction Form - AB 1226.pdf](#)
[Walton - Reso - AB 1226.doc](#)
[20230AB1226_98.pdf](#)

Good morning Clerk Team,

Attached is Supervisor Walton's Introduction Form, Resolution in Support of AB 1226, and text of AB 1226. We can confirm that this matter is routine and not contentious in nature, and of no special interest.

The CSAC and LCC have not taken a position on this bill.

Looping in Supervisor Melgar, Ronen, and Preston's team to confirm co-sponsorship.

Thank you,
Natalie

Natalie Gee 朱凱勤, Chief of Staff

Supervisor Shamann Walton, District 10

1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282

Direct: 415.554.7672 | **Office:** 415.554.7670

District 10 Community Events Calendar: <https://bit.ly/d10communityevents>

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: