

1 [Administrative Code Revisions, Chapter 13]
2 AMENDING PART I, CHAPTER 1 AND CHAPTER 13, OF THE SAN FRANCISCO
3 MUNICIPAL CODE (ADMINISTRATIVE CODE) BY REPEALING SECTIONS 13.1, 13.2, 13.3,
4 13.5, 13.6, 13.9, 13.10, 13.11, 13.14, 13.15, 13.16, 13.17, 13.18, 13.19, 13.20, 13.21, AND
5 13.22, BY AMENDING SECTIONS 13.4 AND 13.71, AND BY RENUMBERING SECTIONS
6 13.50 AND 13.51 AS 1.35 AND 1.36, RESPECTIVELY, TO UPDATE PROVISIONS
7 REGARDING JAILS AND PRISONERS AND TO ELIMINATE OUTDATED AND OBSOLETE
8 PROVISIONS.

9

10 Note: Additions are underlined; deletions are in ((double parentheses)).

11

12 Be it ordained by the People of the City and County of San Francisco:

13

14 Section 1. Chapter 13 of the San Francisco Administrative Code is hereby amended
15 by repealing Section 13.1.

16 **((SEC. 13.1. FEDERAL PRISONERS IN COUNTY JAIL - SHERIFF TO RECEIVE AND**
17 **KEEP.**

18 The Sheriff must receive and keep in the County Jail any prisoner committed thereto by
19 process or order issued under the authority of the United States, until he or she is discharged
20 according to law, as if he or she had been committed under process issued under the
21 authority of this State, provision being made by the United States for the support of such
22 prisoner.))

23

24 Section 2. Chapter 13 of the San Francisco Administrative Code is hereby amended
25 by repealing Section 13.2.

1 **((SEC. 13.2. FEDERAL PRISONERS IN COUNTY JAIL - CONTRACT WITH FEDERAL**
2 **AUTHORITIES FOR CUSTODY AND MAINTENANCE.**

3 The Sheriff is authorized and directed to enter into contract with the proper federal
4 authorities for the payment to the City and County for the custody and maintenance of
5 prisoners in the County Jail as provided by the preceding section at a rate of not less than
6 \$.80 per prisoner per day.))

7
8 Section 3. Chapter 13 of the San Francisco Administrative Code is hereby amended
9 by repealing Section 13.3.

10 **((SEC. 13.3. FEDERAL PRISONERS IN COUNTY JAIL - REPORTS AND FISCAL DUTIES**
11 **OF SHERIFF.**

12 The Sheriff shall maintain adequate records of prisoners imprisoned as provided by the
13 two preceding sections, shall prepare claims and obtain reimbursements under the terms of
14 the contract provided for by the preceding section and deposit the moneys derived therefrom
15 to the credit of the General Fund.))

16
17 Section 4. Chapter 13 of the San Francisco Administrative Code is hereby amended
18 by amending Section 13.4, to read as follows:

19 **SEC. 13.4. LABOR BY INMATES OF COUNTY JAIL ON PUBLIC WORKS - AUTHORIZED.**

20 Pursuant to the provisions of the Penal Code of the state, the Sheriff is hereby
21 authorized to require persons committed to ((confined in)) the County Jail under a final
22 judgment of imprisonment rendered in a criminal action or proceeding to perform labor on the
23 public works or ways in the City and County.

1 Section 5. Chapter 13 of the San Francisco Administrative Code is hereby amended
2 by repealing Section 13.5.

3 **((SEC. 13.5. LABOR BY INMATES OF COUNTY JAIL ON PUBLIC WORKS - RULES AND**
4 **REGULATIONS.**

5 Rules and regulations under which prison labor as provided by the preceding section is
6 to be performed shall be promulgated by the Sheriff, subject to prior approval thereof by
7 resolution of the Board of Supervisors. The Sheriff is hereby authorized and directed to
8 enforce such rules and regulations.))

9
10 Section 6. Chapter 13 of the San Francisco Administrative Code is hereby amended
11 by repealing Section 13.6.

12 **((SEC. 13.6. LABOR BY INMATES OF COUNTY JAIL ON PUBLIC WORKS - DEDUCTION**
13 **FROM SENTENCE FOR OBEDIENCE TO RULES.**

14 For each month in which the prisoner appears, by the record, to have given a cheerful
15 and willing obedience to the rules and regulations promulgated as provided by the preceding
16 section, and that the prisoner's conduct is found by the Sheriff to be positively good, five days
17 shall be deducted from the prisoner's term of sentence, except in actions involving defendants
18 whose jurisdiction is retained by the committing magistrate.))

19
20 Section 7. Chapter 13 of the San Francisco Administrative Code is hereby amended
21 by repealing Section 13.9.

22 **((SEC. 13.9. PROCEDURE FOR PURCHASING SUPPLIES.**

23 The purchase of all goods, wares and merchandise for the stores authorized by the
24 preceding section shall be made through the Purchaser of Supplies and in accordance with
25

1 the purchasing procedure provided by the Charter and by Sections 21. 1 to 21.41 of this
2 Code.))

3
4 Section 8. Chapter 13 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 13.10.

6 **((SEC. 13.10. BASIS OF CHARGES; DISPOSITION OF MONEYS.**

7 All articles, goods and merchandise maintained in Sheriff's stores shall be sold to
8 prisoners at cost plus a reasonable handling charge and the proceeds of all sales made in
9 such stores shall be deposited in the treasury of the City and County. The Controller shall,
10 monthly, adjust the money so deposited in the following manner:

11 (a) That portion of the sales price which represents the cost of the commodity shall be
12 credited to the Sheriff's Stores Reserve Fund.

13 (b) That portion of the sales price which represents the handling charge, not to exceed
14 one percent of the total of the gross sales, shall be credited to the General Fund. Direct
15 charges shall be credited to the Jail Stores Trust Fund.

16 (c) The balance of the moneys shall be deposited in the Prisoners' Welfare Fund and
17 expended as provided under Section 4025 of the Penal Code of the State.))

18
19 Section 9. Chapter 13 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 13.11.

21 **((SEC. 13.11. SCRIP AUTHORIZED; USE OF SCRIP REGULATED.**

22 All of the sales at Sheriff's stores shall be for cash; provided, however, that for the
23 convenient handling of cash belonging to the prisoners, the Sheriff is hereby authorized to
24 issue scrip representing cash, in such denominations as the Sheriff shall determine and to sell
25

1 the same to prisoners at the face value thereof. The scrip shall be redeemable in merchandise
2 at the stores for the face value thereof.

3 It shall be unlawful for any prisoner to whom scrip is issued, sold or delivered to give or
4 transfer or assign the same to any other prisoner, or to permit the same to be used by any
5 other prisoner, and the giving or transferring of any such scrip by any prisoner to another shall
6 be sufficient reason for the cancellation and forfeiture of the same; provided, that all scrip in
7 legal possession of a prisoner upon his discharge shall be immediately presented for refund.
8 Otherwise, the prisoner shall forfeit all rights of refund and recovery.))

9
10 Section 10. Chapter 13 of the San Francisco Administrative Code is hereby amended
11 by repealing Section 13.14.

12 **((SEC. 13.14. SHERIFF'S STORES REVOLVING FUND.**

13 There is hereby established a revolving fund to be known as the Sheriff's Stores
14 Revolving Fund. Such fund shall be maintained in the treasury of the City and County. All
15 amounts due for supplies for the Sheriff's stores shall be paid from the fund, in such manner
16 as the Controller shall direct.))

17
18 Section 11. Chapter 13 of the San Francisco Administrative Code is hereby amended
19 by repealing Section 13.15.

20 **((SEC. 13.15. RETURN AUTHORIZED BY SHERIFF OR CHIEF OF POLICE.**

21 Whenever a complaint charging any person with the commission of a criminal offense
22 is filed in any court in the City and County having jurisdiction of the matter complained -
23 - Or when any indictment is returned by the Grand Jury charging any person with the
24 commission of a criminal offense and a warrant of arrest is issued for such person by any
25 court having jurisdiction in the premises -

1 - And the person complained of or indicted can be located outside the City and County but
2 within the State -

3 - And the person is arrested on the warrant or pursuant to the indictment -

4 - The defendant for whom the warrant is issued or against whom the indictment is returned
5 may be returned to the City and County by the Chief of Police or Sheriff for arraignment,
6 preliminary hearing or trial in the court having jurisdiction in the premises at the expense of
7 the City and County, upon the terms and conditions enumerated in this Article.))

8
9 Section 12. Chapter 13 of the San Francisco Administrative Code is hereby amended
10 by repealing Section 13.16.

11 **((SEC. 13.16. COMPLAINANT TO ADVISE OF LOCATION OF DEFENDANT AND**
12 **DEPOSIT COST OF RETURN.**

13 The person upon whose complaint any warrant of arrest is issued, or at whose request
14 any indictment has been issued against any person, shall advise the Chief of Police or Sheriff
15 where the defendant (complained of and against whom a warrant of arrest has been issued or
16 an indictment returned) may be located or has been apprehended.

17 It shall thereupon be the duty of the Chief of Police or Sheriff to advise the person
18 (upon whose complaint any warrant of arrest has been issued, or for whom any indictment
19 against an accused defendant has been returned) as to the amount necessary to defray the
20 cost of returning said defendant (charged or indicted) to the City and County for arraignment,
21 preliminary hearing or trial.

22 If the person desires the defendant against whom the warrant has been issued, or
23 against whom any indictment has been returned, to be returned to the City and County for
24 arraignment, preliminary hearing or trial, said person shall deposit with the Chief of Police or
25 Sheriff the amount so specified, and it shall thereupon be the duty of the Chief of Police or

1 Sheriff to cause the defendant for whom the warrant has been issued (or against whom the
2 indictment has been returned) to be returned to the City and County.))

3
4 Section 13. Chapter 13 of the San Francisco Administrative Code is hereby amended
5 by repealing Section 13.17.

6 **((SEC. 13.17. RETURN OF DEPOSITS.**

7 When any defendant for whom a warrant has been issued, or against whom an
8 indictment has been returned, has had a preliminary examination, or has pleaded guilty to the
9 offense charged against him or her, either in the complaint filed against the defendant or in
10 the indictment returned against the defendant, or has been tried for the offense, then the
11 person at whose request the person was returned to the City and County shall be entitled to
12 be reimbursed for the amount of money deposited with the Chief of Police or Sheriff to defray
13 the cost of returning the defendant to the City and County. It shall be the duty of the Chief of
14 Police or Sheriff to approve the payment of the sum. The Controller shall draw a warrant
15 therefor from such funds as are available for the purpose, in favor of the person at whose
16 request the defendant was returned; and the Treasurer shall pay the same. No person who
17 refuses to aid in the prosecution of the defendant, or to testify as to the matters which are
18 complained against the defendant, or who settles or compromises, or agrees to settle or
19 compromise any claim, which is, or may be the basis of charges against the defendant, or
20 who agrees to the dismissal of the charges shall be reimbursed for any deposit with the Chief
21 of Police or Sheriff, except with the approval of the Chief or Sheriff.))

22
23 Section 14. Chapter 13 of the San Francisco Administrative Code is hereby amended
24 by repealing Section 13.18.

25 **((SEC. 13.18. ARTICLE NOT OBLIGATORY ON SHERIFF AND CHIEF OF POLICE.**

1 It shall not be obligatory upon the Chief of Police or Sheriff to accept any amount
2 offered to defray the cost of returning any defendant in conformity with the provisions of this
3 article. The Chief of Police or Sheriff shall cooperate in the returning of the defendant only
4 when he or she is of the opinion that the ends of justice will be served by the return, and he or
5 she may at all times exercise his or her sound discretion as to the return of any defendant.))
6

7 Section 15. Chapter 13 of the San Francisco Administrative Code is hereby amended
8 by repealing Section 13.19.

9 **((SEC. 13.19. DUTY OF DISTRICT ATTORNEY UPON RETURN OF DEFENDANT.**

10 Upon the return of the defendant to the City and County it shall be the duty of the
11 District Attorney to provide for the proper arraignment of the defendant, for his or her
12 preliminary examination or trial, if held for trial.))
13

14 Section 16. Chapter 13 of the San Francisco Administrative Code is hereby amended
15 by repealing Section 13.20.

16 **((SEC. 13.20. ARTICLE DEEMED SUPPLEMENTAL TO STATE LAW.**

17 Nothing in this Article shall in any way abridge, set aside or render inoperative any
18 provision of the Penal Code or of any other law or statute of the state dealing with the
19 apprehension, arrest, admission to bail, extradition, or return for trial, or trial of any person
20 charged with crime, but this Article shall be deemed to be supplemental and in aid of all
21 existing laws and statutes.))
22

23 Section 17. Chapter 13 of the San Francisco Administrative Code is hereby amended
24 by repealing Section 13.21.

25 **((SEC. 13.21. LIMITATIONS UPON REFUNDS.**

1 No refunds shall be made of any moneys advanced for the return to the City and
2 County of any person charged with crime, as provided for in this Article, unless the return of
3 the person has been accomplished as provided by law and the costs of the return are a
4 proper charge against the City and County; provided, however, that if the person to be
5 returned is discharged on bail or released from custody by a court of competent jurisdiction,
6 any money advanced for the return of the person may be refunded.))
7

8 Section 18. Chapter 13 of the San Francisco Administrative Code is hereby amended
9 by repealing Section 13.22.

10 **((SEC. 13.22. "COST OF RETURNING" DEFINED.**

11 The term "cost of returning any person to the City and County" as used in this Article
12 shall include among any and all other items the cost of travel to and from the place from which
13 the person is to be brought, living and other expenses during the time consumed in going to
14 and returning from such place and any other expense incident to the return of the person.))
15

16 Section 19. Chapter 13 of the San Francisco Administrative Code is hereby amended
17 by renumbering Section 13.50 as Section 1.35, to read as follows:

18 **SEC. 1.35 ((13.50)). TELPAK CIRCUIT SYSTEM; STOLEN VEHICLES.**

19 The Police Commission, subject to the budget and fiscal provisions of the Charter, is
20 hereby authorized to enter into an agreement with the State of California, acting by and
21 through the California Highway Patrol, for the use of the Telpak Circuit System in connection
22 with the reporting and recovery of stolen vehicles.
23

24 Section 20. Chapter 13 of the San Francisco Administrative Code is hereby amended
25 by renumbering Section 13.51 as Section 1.36, to read as follows:

1 **SEC. 1.36 ((13.51)). ALAMEDA COUNTY POLICE INFORMATION NETWORK SYSTEM.**

2 The Police Commission, subject to the budget and fiscal provisions of the Charter, is
3 hereby authorized to enter into an agreement with the County of Alameda, State of California,
4 to provide for the participation of the San Francisco Police Department in the police
5 information network system maintained by said county to serve participating law enforcement
6 agencies.


7
8 Section 21. Chapter 13 of the San Francisco Administrative Code is hereby amended
9 by amending Section 13.71, to read as follows:

10 **SEC. 13.71. MEMBERS.**

11 There shall be nine ((eight)) members of the committee. Three ((Two)) shall be
12 appointed by the Board of Supervisors, three ((two)) by the Sheriff, and three ((two)) by the
13 presiding judge of the Superior Court ((, and two by the Health Commission)). One of the
14 members appointed by the presiding judge shall be a member of the State Bar. ((Of the two
15 members appointed by the judge of the Superior Court, one shall be a member of the State
16 Bar.)) One of the members appointed by the Board of Supervisors and one of the members
17 appointed by the Sheriff shall be nominated by the Health Commission.

18
19
20 APPROVED AS TO FORM:

21 LOUISE H. RENNE, City Attorney

22
23 By: 
24 THOMAS J. OWEN
25 Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 000803

Date Passed:

Ordinance amending Part I, Chapter 1 and Chapter 13, of the San Francisco Municipal Code (Administrative Code) by repealing Sections 13.1, 13.2, 13.3, 13.5, 13.6, 13.9, 13.10, 13.11, 13.14, 13.15, 13.16, 13.17, 13.18, 13.19, 13.20, 13.21, and 13.22, by amending Sections 13.4 and 13.71, and by renumbering Sections 13.50 and 13.51 as 1.35 and 1.36, respectively, to update provisions regarding jails and prisoners and to eliminate outdated and obsolete provisions.

June 12, 2000 Board of Supervisors — PASSED, ON FIRST READING

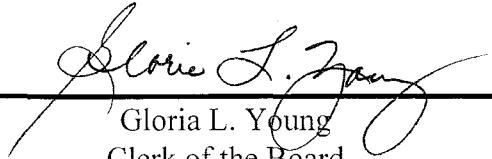
Ayes: 8 - Ammiano, Becerril, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 3 - Bierman, Brown, Katz

June 19, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 000803

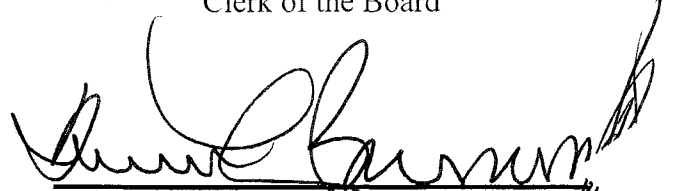
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on June 19, 2000 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JUN 30 2000

Date Approved



Mayor Willie L. Brown Jr.