

RECEIVED**NOV 13 2006****INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

California State Attorney General's Office
Initiative Coordinator Patricia Galvan
1300 I Street
Sacramento, CA 95814

Dear Patricia Galvan:

This is an addendum to the initiative submitted to you on Wednesday November 2, 2006
"Keep Them in Jail Alternative Incarceration Act."

Contained in this addendum are the corrections for 3 misspelled words and the random substitution of 5 words of the same meaning and intent but of simpler and easier to understand language and 2 word changes for correct grammar.

The misspelled words are (cluase), (mush) and (countries).

They have been marked with a pink high lighter on the enclosed original copy of the initiative as it was submitted to you on Wednesday November 2, 2006.

The word changes are:

(fulfilling) is now completing

(applicable) is now apply

(enumerated) is now defined

(which) is now that

(upon) is now on

These changes are marked in yellow high lighter on the same original copy. Also marked in yellow are 2 word changes to correct grammar.

(meets) is now meet

(is) is now are

These changes in no way modify the intent or purpose of this initiative and are made to correct misspelling, grammar and provide simpler words for the best understanding of the language contained in this act.

This addendum is respectfully submitted this day 11/8/06.

~~Mike Reynolds~~

Margaret Mims

Proponent of the Keep Them in Jail Alternative Incarceration Initiative

KEEP THEM IN JAIL ALTERNATIVE INCARCERATION ACT**FINDINGS AND DECLARATIONS**

- In counties throughout California jail overcrowding has forced county sheriffs to release inmates who have not served the time to which they were sentenced. This practice of releasing criminal offenders onto our streets without meaningful penalty encourages more brazen criminal conduct and increasingly threatens the safety of all Californians.
- In many counties, inadequate jail space has become a crisis.
- Dozens of California counties are subject to federal court orders or local regulations requiring the early release of jail inmates.
- Overcrowding in California's state prisons has created a greater and growing demand on county jails.
- Many offenders released before fulfilling their sentences have committed serious or violent crimes while they should have been incarcerated in county jail. These offenders contribute to increasing levels of crime in California.
- Both state and F.B.I. reports demonstrate that California has experienced recent increases in murder, robbery, burglary, and vehicle theft.
- Local Law enforcement agencies cannot effectively respond to increases in crime without adequate jail facilities and urgently require temporary alternative facilities and alternative programs.
- Until permanent new or expanded county jails can be funded and built, counties in which jail overcrowding has reached crisis levels must be authorized to use secure temporary housing facilities available for natural or other emergencies if suitable and available.
- Sheriffs in counties qualifying under this act must have flexibility to use alternative housing facilities and programs with out fear of public liability.

Accordingly, the people of the State of California do hereby enact:

SECTION I

SECTION 909 is added to the Government Code to read:

**909 (a) THIS SECTION SHALL BE KNOWN AS THE KEEP THEM IN
JAIL ALTERNATIVE INCARCERATION ACT.**

(b) The provisions of this Act may apply to any county in which jail overcrowding has reached crisis levels as defined in Subdivision (c).

(c)(1) Counties subject to federal court orders requiring early release of jail inmates due to overcrowding; or

(2) Counties that are releasing inmates early to avoid overcrowding exceeding 90 % of jail capacity; or

(3) Counties that have exceeded 90% of jail capacity on one or more occasions during each of six consecutive months.

(d) The sheriff of any county qualifying for relief under this act shall be authorized to employ and operate housing facilities that meet local health and safety codes for residential occupancy, and are deemed secure, as temporary jails or treatment facilities. Nothing in this section shall be construed to authorize the use

of non-county employees to staff temporary jail or treatment facilities.

(1) No inmate shall be housed in a temporary jail or treatment facility for a period exceeding 90 days based on a single sentence.

(2) Determinations regarding the placement of inmates and the security of jail facilities shall be made exclusively by the county sheriff.

(3) The provisions of this act shall not be construed to limit or preclude any sheriff from employing lawfully authorized early release, electronic monitoring, or work release programs as necessary.

(4) The selection of alternative housing facilities or programs and the placement of inmates are discretionary acts and shall not form the basis for a claim of damages.

(5) Any inmate who escapes from a temporary jail facility or other alternative housing facility shall, in accordance with current law, be in felony violation of Section 4532 of the Penal Code.

(6) Any inmate who sustains injury while assigned to a work release program authorized by Section 4024.2 of the Penal Code may, if otherwise qualified, be entitled to compensation in accordance with provisions of Section 4453.1 of the Labor Code.

SECTION II

SECTION 4453.1 is added to the Labor Code, to read:

4453.1. Notwithstanding any other provision of law, for the purposes of determining temporary disability benefits under this division as a result of an injury sustained by an inmate of any county jail, industrial farm, road camp, or city jail, or by an inmate assigned to a work release program under Section 4024.2 of the Penal Code, the average weekly earnings shall be taken at the lesser of (1) the minimum amount set forth in Section 4453 or (2) the actual weekly wages lost due to disability resulting from the injury.

SEVERABILITY CLAUSE:

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect and to this end the provisions of this act are severable.

AMENDMENT CLAUSE:

The provisions of this act shall not be amended by the legislature except by a statute passed in each house by roll call vote entered in the journal, two-thirds of the members of each house concurring, or by a statute that becomes effective only when approved by the voters. However, the legislature may amend the provisions of this act to expand the scope of its application by a statute passed by majority vote of each house thereof.