

**ASSEMBLY BILL**

**No. 1144**

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**Introduced by Assembly Member McKinnor**

February 20, 2025

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An act to amend Sections 2700 and 4017 of the Penal Code relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1144, as introduced, McKinnor. Prisons: elderly employment.

The California Constitution prohibits involuntary servitude, but exempts from this provision any servitude that is a punishment for a crime. Existing law requires the Department of Corrections and Rehabilitation (CDCR) to require each able-bodied inmate, including a condemned inmate, to work as prescribed by CDCR regulations. Existing CDCR regulations require each inmate to participate in 8 hours per day of programming, including labor, education, counseling, physical fitness, and other programs, 5 days per week.

Existing law also authorizes a board of supervisors or city council, through an order, to require all persons confined in a county or city jail, industrial farm, or road camp, as specified, to perform labor on the public works or ways in the county or city, respectively, and to engage in the prevention and suppression of forest, brush, and grass fires upon lands within the county or city, respectively.

Notwithstanding any other law, the California Constitution, as amended by Proposition 57 at the November 8, 2016, statewide general election, grants CDCR the authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

This bill would authorize inmates 55 years of age or older, except those sentenced to death, in state prison or county jail to elect whether

to continue to work, reduce the number of hours worked, or retire. The bill would prohibit CDCR from punishing the inmate, in specified ways including a change or reduction in privilege group assignment, based on their election.

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 2700 of the Penal Code is amended to  
2 read:  
3 2700. (a) (1) The Department of Corrections and  
4 Rehabilitation shall require of every able-bodied prisoner under  
5 55 years of age imprisoned in any state prison as many hours of  
6 faithful labor in each day and every day during ~~his or her~~ *their*  
7 term of imprisonment as shall be prescribed by the rules and  
8 regulations of the ~~Director of Corrections~~. *Secretary of the*  
9 *Department of Corrections and Rehabilitation.*  
10 (2) *Prisoners 55 years of age and older shall elect whether to*  
11 *continue to work, to reduce the number of hours worked, or to*  
12 *cease working and retire.*  
13 ~~Whenever~~  
14 (b) *Whenever* by any statute a price is required to be fixed for  
15 any services to be performed in connection with the work program  
16 of the Department of Corrections, the compensation paid to  
17 prisoners shall be included as an item of cost in fixing the final  
18 statutory price.  
19 ~~Prisoners~~  
20 (c) *Prisoners* not engaged ~~on~~ *in* work programs under the  
21 jurisdiction of the Prison Industry Authority, but who are engaged  
22 in productive labor outside of ~~such~~ *those* programs may be  
23 compensated in like manner. The compensation of ~~such prisoners~~  
24 *prisoners, including those 55 years of age and older and who have*  
25 *opted for part-time work*, shall be paid either out of funds  
26 appropriated by the Legislature for that purpose or out of ~~such~~  
27 other funds available to the Department of Corrections and  
28 Rehabilitation for expenditure, as the Director of Finance may  
29 direct.  
30 ~~When any~~

1 (d) When a prisoner escapes, the ~~director~~ secretary shall  
2 determine what portion of ~~his or her~~ *their* earnings shall be forfeited  
3 and ~~such that~~ forfeiture shall be deposited in the State Treasury in  
4 a fund known as the Inmate Welfare Fund of the Department of  
5 ~~Corrections~~. *Corrections and Rehabilitation*.

6 (e) *The department shall not punish a prisoner who refuses to*  
7 *work pursuant to subdivision (a). For the purposes of this*  
8 *subdivision, punishment includes, but is not limited to:*

9 (1) *Disciplinary writeup.*

10 (2) *Change in security level.*

11 (3) *Involuntary transfer to a different correctional institution.*

12 (4) *Transfer to a special housing unit or administrative*  
13 *segregation.*

14 (5) *Change or reduction in privilege group assignment.*

15 (6) *Limiting participation in voluntary programming.*

16 SEC. 2. Section 4017 of the Penal Code is amended to read:

17 4017. (a) (1) All persons *under 55 years of age who are*  
18 *confined in the county jail, industrial farm, road camp, or city jail*  
19 *under a final judgment of imprisonment rendered in a criminal*  
20 *action or proceeding and all persons under 55 years of age who*  
21 *are confined in the county jail, industrial farm, road camp, or city*  
22 *jail as a condition of probation after suspension of imposition of*  
23 *a sentence or suspension of execution of sentence may be required*  
24 *by an order of the board of supervisors or city council to perform*  
25 *labor on the public works or ways in the county or city,*  
26 *respectively, and to engage in the prevention and suppression of*  
27 *forest, brush and grass fires upon lands within the county or city,*  
28 *respectively, or upon lands in adjacent counties where the*  
29 *suppression of fires would afford fire protection to lands within*  
30 *the county.*

31 (2) *A person 55 years of age or older shall elect whether to*  
32 *continue to work, to reduce the number of hours worked, or to*  
33 *cease working and retire.*

34 ~~Whenever~~

35 (b) *Whenever* any ~~such~~ person so in custody shall suffer injuries  
36 or death while working in the prevention or suppression of forest,  
37 ~~brush~~ *brush*, or grass fires ~~he~~ *they* shall be considered to be an  
38 employee of the county or city, respectively, for the purposes of  
39 compensation under the provisions of the Labor Code regarding  
40 workmen's compensation and ~~such that~~ work shall be performed

1 under the direct supervision of a local, state or federal employee  
2 whose duties include fire prevention and suppression work. A  
3 regularly employed member of an organized fire department shall  
4 not be required to directly supervise more than 20 ~~such~~ persons  
5 so in custody.  
6 ~~As~~  
7 (c) As used in this section, “labor on the public works” includes  
8 clerical and menial labor in the county jail, industrial farm, camps  
9 maintained for the labor of ~~such~~ persons upon the ways in the  
10 county, or city jail.