
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 1269 **Hearing Date:** July 8, 2025
Author: Bryan
Version: May 28, 2025
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *County and city jails: incarcerated person contacts*

HISTORY

Source: Black Lives Matter California
Black Lives Matter Los Angeles
Black Lives Matter Grassroots

Prior Legislation: SB 519 (Atkins), Ch. 306, Stats. of 2023
SB 1139 (Kamlager), Ch. 837, Stats. of 2022

Support: ACLU California Action; California Public Defenders Association; Drug Policy Alliance; Ella Baker Center for Human Rights; Initiate Justice; Justice2Jobs Coalition; La Defensa; 1 individual

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to require county and city jails to notify all people covered by the current medical release of information and next-of-kin form within 24 hours of the death of an incarcerated person.

Existing law requires the Board of State and Community Corrections (BSCC) to establish minimum standards for local correctional facilities and requires the board to review those standards biennially and make appropriate revisions. (Pen. Code, § 6030, subd. (a).)

Existing law provides that the county jails are used for the following purposes:

- For the detention of persons committed in order to secure their attendance as witnesses in criminal cases;
- For the detention of persons charged with crime and committed for trial;
- For the confinement of persons committed for contempt, or upon civil process, or by other authority of law;

- For the confinement of persons sentenced to imprisonment in a county jail upon a conviction for crime; and,
- For the confinement of persons for a violation of the terms and conditions of their postrelease community supervision. (Pen. Code, § 4000.)

Existing law requires the Department of Corrections and Rehabilitation (CDCR) to ask every incarcerated person, at intake, whom they want covered by the following documents: approved visitor list; medical release of information form; medical power of attorney form; and, next-of-kin form authorizing control over body and possessions in case of death. Requires that incarcerated persons have the ability to update these forms at any time, and requires CDCR to offer incarcerated persons the opportunity to review and update these forms at least annually. (Pen. Code, § 6401, subd. (a).)

Existing law requires CDCR, within 24 hours of an incarcerated person being hospitalized for a serious or critical medical condition, to inform all persons covered by the current medical release of information form about the incarcerated person's health status, and to facilitate telephone calls between the incarcerated person and those persons if the incarcerated person consents. A serious or critical medical condition may include any of the following:

- A medical professional has determined that the incarcerated person needs medical treatment for a terminal disease;
- A medical professional has determined that the incarcerated person needs to receive life-sustaining medical treatment; or,
- The incarcerated person has been admitted to a public or community hospital. (Pen. Code, § 6401, subd. (b).)

Existing law requires CDCR to notify all persons covered by the current medical release of information form and next of kin form within 24 hours if an incarcerated person has died. (Pen. Code, § 6401, subd. (b)(1)(B).)

Existing law requires CDCR to obtain from an incarcerated person, upon entry and annually, the name and last known address and phone number of any person or persons to be notified in the event of the incarcerated person's death or serious illness or serious injury. Requires the persons be listed in the order of the incarcerated person's preference. Requires the incarcerated person be provided with the opportunity to modify or amend the notification list at any time. (Pen. Code, § 5022, subd. (a).)

Existing law requires CDCR to use all reasonable means to contact the person or persons set forth in the notification list upon the death or serious illness or serious injury of the incarcerated person. (Pen. Code, § 5022, subd. (b).)

This bill requires a county or city jail to notify all people covered by the current medical release of information form and the next-of-kin form within 24 hours if an incarcerated person has died.

This bill establishes this provision as Wakiesha's Law.

COMMENTS

1. Need For This Bill

According to the author:

Unlike state prisons, county, city, and municipal jails are not required to notify families of serious medical conditions or deaths within a specific timeframe. As a result, families may experience significant delays in learning about their loved ones' conditions. In some cases, they may learn of a loved one's death days later after a painful search.

Notification procedures adopted by different counties vary widely. In some counties, families have had to wait days or even weeks to receive information about a loved one's passing.

2. Notification Requirements

Under current law, CDCR is required to obtain the name and last known address and phone number of any person or persons to be notified in the event of the incarcerated person's death or serious illness or serious injury. (Pen. Code, § 5022, subd. (a).) CDCR is also required to use all reasonable means to contact the person or persons set forth in the notification list upon the death or serious illness or serious injury of the incarcerated person. (Pen. Code, § 5022, subd. (b).)

Existing law also requires CDCR ask each incarcerated person, at intake, who they want listed on a variety of documents, including the medical release of information form. (Pen. Code, § 6401, subd. (a).) CDCR must inform all persons covered by the current medical release of information form within 24 hours of an incarcerated person being hospitalized for a serious or critical medical condition about the incarcerated person's health status. (Pen. Code, § 6401, subd. (b).) CDCR must also notify all persons covered by the current medical release of information form and next-of-kin form within 24 hours if an incarcerated person has died. (Pen. Code, § 6401, subd. (b)(1)(B).)

There are no state laws or regulations that require local correctional facilities to obtain the information of individuals to be contacted in the event that an incarcerated person in a local facility dies, and there are no laws or regulations requiring a local correctional facility to notify an incarcerated individual's designated contacts upon their death.

Supporters of this bill assert that there should be a notification requirement when an incarcerated person dies in a city or county jail, particularly in light of an increase in in-custody jail deaths over the past two decades. (See, e.g., Keri Blakinger, *Three Inmates Died in Los Angeles County Jails in Just Over a Week* (Mar. 28, 2023) <<https://www.latimes.com/california/story/2023-03-28/three-inmates-died-in-the-los-angeles-county-jails-in-just-over-a-week>>; California State Auditor, *San Diego County Sheriff's Department – It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody*, Report 2021-109, (Feb. 3, 2022) available at <<http://www.auditor.ca.gov/reports/2021-109/index.html>>.)

This bill requires a county or city jail to notify all people covered by the current medical release of information form and the next-of-kin form within 24 hours if an incarcerated person has died.

3. Argument in Support

The California Public Defenders Association writes:

Current law mandates that when a person incarcerated in state prison dies, CDCR must notify those individuals covered by the medical release of information within 24 hours. This bill creates the same obligation for county jails.

This bill is simple because it's about basic human dignity. When a person is incarcerated, they should not be stripped of their humanity and seen as merely an "inmate." It is rudimentary that people in a civil society can expect their loved ones to be told of their passing within a timely manner.

AB 1269 is also about recognizing the humanity of family and friends listed on the medical release. Knowing of the passing of a loved one is a fundamental need. Any other practice strips all of us of our capacity for mercy and damages our humanity.

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