
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: SB 1304 **Hearing Date:** March 22, 2022
Author: Kamlager
Version: February 18, 2022
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Prisons: release allowance*

HISTORY

Source: Author

Prior Legislation: AB 2868 (Hart), Ch. 1406, Stats. 1982

Support: California Public Defenders Association; Center for Employment Opportunities

Opposition: None known

PURPOSE

The purpose of this bill is to increase the amount of money an individual receives upon release from prison from \$200 to \$2589.

Existing law requires that a person be paid \$200 upon release from prison. (Pen. Code, § 2713.1.)

Existing law provides that the California Department of Corrections and Rehabilitation (CDCR) may prescribe rules and regulations to: limit or eliminate any payments provided to individuals who have not served for at least six consecutive months prior to their release in instances where CDCR determines that such a payment is not necessary for rehabilitation of the person; to establish procedures for the payment of \$200 within the first 60 days of a person's release; and to eliminate any payment provided to a person who willfully absconds after release on parole and to whom the total amount has not been paid. (Pen. Code, § 2713.1.)

Existing law provides that the \$200 sum is not to be paid if the person is released to the custody of another state or to the custody of the federal government. (Pen. Code, § 2713.1.)

This bill requires that a person be paid \$2589 upon release from prison.

This bill requires CDCR to adjust the amount of the allowance for inflation based on the California Consumer Price Index commencing on January 1, 2024 and annually thereafter.

COMMENTS

1. Need For This Bill

According to the author:

SB 1304 seeks to increase the amount of money the California Department of Corrections and Rehabilitation (CDCR) gives to people upon release from state prisons to \$2589. The current amount given is \$200 – an amount that has remained unadjusted for inflation since 1973. Increasing this allowance not only protects the safety of those newly released and facilitates a successful transition to life after prison, but ultimately increases public safety and decreases recidivism.

Providing gate money that is an appropriate reflection of typical expenses for Californians is critical for the success of this policy and the success of a rehabilitative prison system.

Beyond any realistic financial necessities, there is an obligation on the part of the state to ensure that people in their care are not released into circumstances where they are unable to meet their basic needs. Failure to do only serves to perpetuate economic violence against communities that have been historically subjected to cycles of incarceration and the collective trauma that comes with it.

2. Allowance Upon Release

Current law requires that a person be paid \$200 upon release from prison, and allows CDCR to prescribe rules and regulations to: limit or eliminate any payments provided to individuals who have not served for at least six consecutive months prior to their release in instances where CDCR determines that such a payment is not necessary for rehabilitation of the person; to establish procedures for the payment of \$200 within the first 60 days of a person's release; and to eliminate any payment provided to a person who willfully absconds after release on parole and for whom the total amount has not been paid.

CDCR regulations provide “a release allowance is a sum of money intended for the rehabilitative purpose of assisting in an inmate/parolee's reintegration into society” and is provided to the following individuals: a person who is released from a CDCR institution to the direct supervision of a parole agent in the community; a person placed on non-revocable parole, a person released to post-release community supervision, a person released to an alternative custody program, as specified; a person released upon completion of a term of imprisonment to local law enforcement as a result of a detainer or hold; a person released to the custody and supervision of the Department of State Hospitals; a person released to a detainer or hold pursuant to commitment proceedings as a sexually violent predator; or a person discharged from the jurisdiction of CDCR. (15 Cal. Code Regs., tit. 15, 3075.2, subd. (d).)

CDCR regulations provide that these funds are to be given to individuals who have served six months or more in a CDCR institution. If a person has served fewer than six months, the person is given a prorated daily rate for each day, or fraction of a day, in custody utilizing a specified formula. (*Id.*) The cost of release clothing and any transportation costs paid by the state are to be deducted from the person's release allowance. (*Id.*) CDCR regulations further specify that

release funds are to be put onto a debit card unless such loading is not possible, at which point the department will issue a check disbursement. (*Id.*)

The amount of the allowance paid upon release from prison, colloquially referred to as “gate money,” was established in 1973 and has not changed since that time. The U.S. Bureau of Labor Statistics Consumer Price Index Calculator indicates that \$200 in 1973 is the equivalent of \$1332 in February 2022. This bill would increase the amount of money a person receives upon leaving prison from \$200 to \$2589. The author and advocates contend that the amount of money given to individuals upon release from prison needs to be significantly increased due to inflation as well as the increase in the cost of housing and other essential goods and services since the issuance of gate money was first codified. The author’s office has shared that the figure in the bill was derived using MIT’s Living Wage Calculator to estimate typical total expenses (e.g., housing, medical, food, transportation, etc.) for one month for one adult living in California in order to aid in a person’s re-entry into the community. (<http://livingwage.mit.edu/states/06>.)

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