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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** SB 474                      **Hearing Date:** March 28, 2023  
**Author:** Becker  
**Version:** March 20, 2023  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Canteens*

## HISTORY

**Source:** Ella Baker Center for Human Rights  
Legal Aid At Work  
Legal Services for Prisoners with Children  
MILPA Collective  
Women's Foundation California

**Prior Legislation:** SB 555 (Mitchell), vetoed in 2020

**Support:** A New Way of Life Reentry Project; ACLU California Action; All of Us or None San Diego; Alliance San Diego; Anti-Recidivism Coalition; Asian Solidarity Collective; Black Panther Party - San Diego; CAIR California; California Alliance for Youth and Community Justice; California Coalition for Women Prisoners; California Families Against Solitary Confinement; California Public Defenders Association; Californians for Safety and Justice; Californians United for A Responsible Budget; Communities United for Restorative Youth Justice; Community Advocates for Just and Moral Governance; Del Cerro for Black Lives Matter; Families United to End LWOP; Fresno Barrios Unidos; Friends Committee on Legislation of California; Hillcrest Indivisible; Indivisible 92116; Initiate Justice; Interfaith Worker Justice - San Diego; Jesse's Place Org; MILPA; Muslim American Society - Public Affairs & Civic Engagement; Partnership for The Advancement of New Americans; Pillars of the Community; Prosecutors Alliance California; Racial Justice Coalition of San Diego; Restore Oakland, Inc.; Rise Up- San Diego; Riverside All of Us or None; Rolling for Rights; RTime Co.; San Francisco Financial Justice Project; Santa Cruz Barrios Unidos; Secure Justice; Showing Up for Racial Justice Bay Area; Showing Up for Racial Justice Santa Cruz County; Sister Warriors Freedom Coalition; Social Workers for Equity & Leadership; Southeast Asia Resource Action Center; Team Justice San Diego; The Place4grace; Think Dignity; Transformative In-Prison Workgroup; Transitions Clinic Network; UnCommon Law; Universidad Popular; Uprise Theatre; Worth Rises; Young Women's Freedom Center; over 600 individuals

**Opposition:** None known

## PURPOSE

*The purpose of this bill is to: (1) require the California Department of Corrections and Rehabilitation (CDCR) to maintain a canteen at any active prison; (2) require CDCR to provide the necessary facilities, equipment, personnel, and merchandise for the canteen; and (3) prohibit the sale prices of the items offered in the canteen from exceeding the price paid to the vendors.*

*Existing law* provides that CDCR may maintain a canteen at any prison or institution under its jurisdiction for the sale to persons confined therein of toilet articles, candy, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. Requires the director to specify what commodities are sold in the canteen. (Pen. Code, § 5005.)

*Existing law* requires that the sale prices of the articles offered for sale be fixed by the director at the amounts that will, as far as possible, render each canteen self-supporting. (Pen. Code, § 5005.)

*This bill* requires CDCR to maintain a canteen at any active prison or institution under its jurisdiction for the sale to incarcerated persons of toilet articles, candy, notions, and other sundries and requires CDCR to provide the necessary facilities, equipment, personnel, and merchandise for the canteen.

*This bill* prohibits the sale prices of the articles offered for sale from exceeding the price of the articles paid to the vendors.

*This bill* includes uncodified legislative findings and declarations.

*This bill* makes other technical and conforming changes.

## COMMENTS

### 1. Need For This Bill

According to the author:

Incarcerated people and their families incur expenses and additional cost pressures that other people do not. This added financial burden disproportionately falls on low income, families of color. In addition to rising costs related to inflation, families of incarcerated people also have to bear the cost of canteen markups to provide basic necessities for their loved ones, including but not limited to food, hygiene items, and health supplements.

Canteen items are marked up an average of 65%, but can exceed 200% of what the average consumer would pay at their local store. Given wages for most incarcerated people range between eight and thirty-seven cents an hour, canteen purchases already take an exorbitant amount of their income. Markups can push these items out of reach entirely. According to Impact Justice, in 2020, 60% of incarcerated people surveyed said they could not afford canteen purchases and 75% reported that they experienced limited access to food due to their or their

family's finances. Additionally, the Ella Baker Center reports nearly 2 in 3 families with an incarcerated family member were unable to meet their family's basic needs – including food and housing needs – due to the financial burdens of incarceration.

Canteen markups economically drain over \$80 million each year from impacted families, and lead to families having to make tough decisions over whether to provide food for their incarcerated loved one or cover their own basic needs.

The BASIC(s) Act aims to alleviate the unnecessary cost pressures associated with incarceration by eliminating markups on prison canteen goods so that all incarcerated persons can access food, hygiene, and health items. Everyone deserves access to basic necessities, including our incarcerated Californians.

## 2. Canteen

Existing law authorizes CDCR to maintain and operate a canteen at any of the state's prisons where the incarcerated population can purchase toiletries, stationery, snacks, and other personal items. The department sets the prices of the items sold at the canteen, and existing law provides that the sale prices must be set at the amounts that will, as far as possible, render each canteen self-supporting. (Pen. Code, § 5005.) Under existing law, any proceeds from the operation of the canteens are deposited into the Inmate Welfare Fund (IWF). (Pen. Code, 5006.) The money in the fund is to be used solely for the benefit and welfare of the incarcerated population. (*Id.*) Specifically, funds from the IWF may be used for:

- The establishment, maintenance, employment of personnel for, and purchase of items for sale to incarcerated individuals at canteens maintained at the state institutions.
- The establishment, maintenance, employment of personnel, and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the department.
- Educational programs, hobby and recreational programs, which may include physical education activities and hobby craft classes, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles.
- Funding for programming by not-for-profit organizations.

Advocates argue that canteen items have unreasonably high prices compared to the prices of the same or similar items available to the general public. A 2020 report published by Initiate Justice found that 60% of the formerly incarcerated individuals surveyed by the organization could not afford canteen purchases while incarcerated, and some individuals reported that they had resorted to extreme measures to gain access to canteen items such as engaging in gang activity and sexual relationships. (Leslie Soble, Kathryn Stroud, and Marika Weinstein, *Eating Behind Bars: Ending the Hidden Punishment of Food in Prison* (2020) p. 11 available at <<https://impactjustice.org/wp-content/uploads/IJ-Eating-Behind-Bars.pdf>>.)

This bill does three things with respect to CDCR's canteens. First, it requires rather than authorizes CDCR to maintain a canteen at any active prison. Second, it requires rather than authorizes CDCR to provide the necessary facilities, equipment, personnel, and merchandise for

the canteen. Finally, this bill prohibits the sale prices of the items offered in the canteen from exceeding the price paid to the vendors.

### 3. Argument in Support

The California Coalition for Women Prisoners writes:

This important bill would eliminate excessive mark-ups on items sold at canteens across California state prisons, relieving tens of thousands of impoverished Californians from the burden of purchasing overpriced essential items. These savings will help to establish more financial stability for families impacted by incarceration, and ultimately strengthen community health, public safety and re-entry outcomes.

Prison canteens are a critical resource for incarcerated people, who often rely on canteen purchases in order to meet their basic needs. Research shows that the majority of canteen spending is on food and essential hygiene items that incarcerated people do not have adequate access to, and that many incarcerated people rely on canteen food for a significant portion of their daily caloric intake. Commonly purchased items aside from food include toilet paper, soap, shower sandals, menstrual products and over-the-counter medical supplies.

In recent years, canteen prices have skyrocketed causing undue financial burden on incarcerated people who rely on canteen purchases for essential goods. According to CDCR's records, the average markup across CDCR canteen items between 2019-2022 was roughly 65% above the price paid to the vendor. Overpriced products sold at CDCR canteens economically drain over 80 million dollars each year from low-income families of color, who are already disproportionately impacted by inflation. In California, the minimum wage for incarcerated people is only eight cents an hour before fees and deductions – meaning it could take an entire month's wage to afford a single essential item such as toothpaste. In a 2020 report from Impact Justice, three-fifths of the formerly incarcerated people surveyed said they could not afford canteen purchases, and 75% reported that access to food was limited by their own or their family's finances. ... These barriers have only increased since 2020 with the onset of the pandemic and rising inflation rates.

Incarcerated families and their loved ones are already saddled with copious, justice-related fees, fines, and debt, at the same time that their economic opportunities are diminished. ...[N]early 2 in 3 families with an incarcerated family member were unable to meet their family's basic needs – including food and housing – due to the financial burdens of incarceration. Nearly half of the families surveyed were unable to afford the costs associated with a conviction.

Eliminating mark-ups at CDCR canteens will provide relief to tens of thousands of families who are burdened by the pressures of incarceration and poverty, and allow them to redirect scarce financial resources towards long-term needs and reentry costs. This would represent a step forward for California's leadership in combating poverty, racial inequity, and mass incarceration, following on the heels of recent, bold reforms in our state to repeal administrative fees in the criminal

system (AB 1869) and eliminate fees for prison phone calls (SB 1008). Investing in financial stability for justice-involved families is a critical and evidence-based strategy for improving reentry outcomes, and is an investment in public safety for all Californians.

**-- END --**