

Expanded Background Summary
People v. Watson (Joey R.) (S131052)

While serving a prison sentence, Joey Reuben Watson was transferred from state prison to Atascadero State Hospital pursuant to section 2684, which allows for such transfers when a state prison inmate is in need of acute mental health treatment. While Watson was being admitted to the hospital, he lunged at and hit a nurse, a crime the law refers to as a battery. Watson was charged with battery under Penal Code section 4501.5, which makes it a *felony* for any person confined in a state prison to commit a battery against a non-confined person, such as a guard or other employee. Section 4501.5 provides that a battery committed by a prisoner against a non-prisoner is a felony punishable by two, three, or four years in state prison. By contrast, a battery is normally charged as a *misdemeanor* under Penal Code section 243, subdivision (a), and the maximum punishment for that crime is a six-month county jail sentence and a \$2,000 fine.

Watson has petitioned the Supreme Court to reverse his conviction, arguing that because he had been transferred to Atascadero State Hospital at the time he hit the nurse, he was no longer “confined in a state prison” for purposes of section 4501.1, and therefore should not have been charged with a felony offense. Penal Code section 6082 states that the word “prison” refers to “hospitals and institutions for the confinement, treatment, employment, training and discipline of persons in the legal custody of the Department of Corrections.” Penal Code section 4504 provides that a prisoner is considered to be confined in a state prison if he is serving a prison sentence in one of the prisons specified in Penal Code section 5003, or if he is “temporarily” outside the walls or bounds of the prison for any purpose. Atascadero State Hospital is not one of the prisons listed in section 5003.

The Supreme Court will have to decide whether Atascadero State Hospital is a prison as that term is defined by section 6082, or alternatively, if a prisoner transferred to Atascadero for mental health treatment is “temporarily” outside the walls or bounds of the prison, such that a battery committed by such a prisoner may be punished as a felony under section 4501.5.