

AMENDED IN SENATE MAY 7, 2025
AMENDED IN SENATE APRIL 21, 2025

SENATE BILL

No. 850

Introduced by Senator Ashby

February 21, 2025

An act to add Section 7522.75 to the Government Code, and to add Section 5030 to, and to add Article 8 (commencing with Section 2049) to Chapter 1 of Title 1 of Part 3 of, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 850, as amended, Ashby. Prisons.

(1) Existing law, the California Public Employees' Pension Reform Act of 2013, establishes various limits on retirement benefits generally applicable to a public employee retirement system, as specified. Existing law requires a public employee who is a member of a public retirement system to forfeit accrued rights and benefits in the public retirement system if the individual is convicted of certain felonies, including for conduct arising out of or in the performance of their official duties, relating to salary, disability retirement, service retirement, or other benefits, or that is committed against a child, as specified. Existing law limits this forfeiture to rights and benefits earned or accrued from the earliest date of the commission of the felony.

This bill would require a ~~public employee who is~~ a correctional officer or other prison staff member ~~that is employed by the Department of Corrections and Rehabilitation who is a current member of a public retirement system~~, convicted of sexually assaulting an inmate within the prison system, to forfeit all ~~accrued rights and benefits in any public retirement system in which that public employee is a member and would prohibit that employee from accruing any further benefits~~

~~in that retirement system. The bill would prohibit any contributions made by the member to the public retirement system from being returned to that member upon the occurrence of a conviction resulting in forfeiture, except as specified: *rights and benefits in the public retirement system, as prescribed.* The bill would also require a correctional officer or other prison staff member employed by the department who first becomes a member of a public retirement system on or after January 1, 2026, who is convicted of sexually assaulting an inmate within the state prison system, to forfeit all rights and benefits in the retirement system. The bill would establish procedures governing these forfeiture provisions, the forfeiture process, including authorizing a public retirement system to assess a public employer a reasonable amount for reimbursement of specified costs. The bill would require a public retirement system to implement these provisions in a manner that protects an innocent *or former* spouse and is consistent with existing law governing the division of community property. The bill would apply these provisions retroactively and prospectively, regardless of the public employee's date of hire.~~

(2) Existing law provides the Department of Corrections and Rehabilitation with jurisdiction over prisons and institutions, including, among others, the California Correctional Institution in the City of Tehachapi and the Central California Women's Facility, and sets forth its powers and duties regarding the administration of correctional facilities and the care and custody of inmates. Existing law also authorizes the secretary of the department to construct and equip suitable buildings, structures, and facilities for, among others, the California Correctional Institution in the City of Tehachapi for the confinement of males under the custody of the secretary.

This bill would require the department to construct and establish one new building with 100 additional single-cell housing units at the Central California Women's Facility state prison located in the City of Chowchilla for the confinement of women under the custody of the secretary. The bill would also require the department to install fixed cameras by January 1, 2028, in all designated locations that have been ordered by the court or the Legislature, install thermal sensor cameras that track body movements in inmate bathrooms, and eliminate solo shifts for correctional officers, in women's state prison facilities. The bill would also authorize a correctional lieutenant on the site of a state prison facility to grant permission to an inmate, upon the inmate's request, to be transferred to restrictive housing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7522.75 is added to the Government Code, to read:

7522.75. (a) ~~Notwithstanding any other provision, a public employee who is a correctional officer or other prison staff member that~~ *If a correctional officer or other prison staff member employed by the Department of Corrections and Rehabilitation, who is a current member of a public retirement system, is convicted of sexually assaulting an inmate within the state prison system shall* ~~system, that member shall, upon conviction pursuant to Section 7522.70, 7522.72, or 7522.74, as applicable, from the earliest date of commission of the crime, forfeit all accrued rights and benefits in any public retirement system in which that public employee is a member, the public retirement system to the extent provided in subdivision (b), (c), and shall not accrue further benefits in that~~ *the public retirement system.*

~~(b) (1) The public employee shall forfeit all of the rights and benefits earned or accrued from the date the employee was first hired with the public retirement system. The rights and benefits shall remain forfeited notwithstanding any reduction in sentence or expungement of the conviction following the date of the member's conviction.~~

~~(2) Any contributions to the public retirement system made by the public employee, as described in subdivision (a), shall not be returned to the public employee upon the occurrence of a conviction resulting in forfeiture, except as provided in subdivision (f).~~

(b) If a correctional officer or other prison staff member employed by the Department of Corrections and Rehabilitation, who first becomes a member of a public retirement system on or after January 1, 2026, is convicted of sexually assaulting an inmate within the state prison system, that member shall, upon conviction pursuant to Section 7522.70, 7522.72, or 7522.74, as applicable, forfeit all accrued rights and benefits in the public retirement system, to the extent provided in subdivision (c), and shall not accrue further benefits in the public retirement system.

(c) (1) A member as described in subdivision (a) or (b) shall forfeit all of the rights and benefits earned or accrued from the date that they first became a member of the public retirement system except as provided in subdivision (h). The rights and benefits shall remain forfeited notwithstanding any reduction in sentence or expungement of the conviction following the date of the member's conviction.

(2) (A) Pursuant to regulations adopted by the public retirement system board, any contributions to the public retirement system made by a member, as described in subdivision (a), shall be returned to the public employee upon the occurrence of a conviction resulting in forfeiture.

(B) Pursuant to regulations adopted by the public retirement system board, any contributions to the public retirement system made by a member, as described in subdivision (b), shall not be returned to the public employee upon the occurrence of a conviction resulting in forfeiture.

~~(e)~~
(d) (1) Upon conviction, a ~~public employee~~, member, as described in subdivision ~~(a)~~, (a) or (b), and the prosecuting agency shall notify the public employer who employed the ~~public employee member~~ at the time of the commission of the felony within 60 days of the felony conviction of both of the following:

(A) The date of conviction.

(B) The date of the first known commission of the felony.

(2) The operation of this section is not dependent upon the performance of the notification obligations specified in this subdivision.

~~(d)~~
(e) The public employer that employs or employed a ~~public employee member~~ described in subdivision (a) or (b) and that ~~public employee member~~ shall each notify ~~each~~ the member's public retirement system in which the public employee is a member of that public employee's of that member's conviction within 90 days of the conviction. The operation of this section is not dependent upon the performance of the notification obligations specified in this subdivision.

~~(e)~~

(f) A public retirement system may assess a public employer a reasonable amount to reimburse the cost of audit, adjustment, or

1 correction, if it determines that the public employer failed to
2 comply with this section. The amount assessed shall not exceed
3 the reasonable regulatory costs to the retirement system.

4 ~~(f)~~

5 ~~(g)~~ If a ~~public employee's~~ *member's* conviction is reversed and
6 that decision is final, the ~~employee~~ *member* shall be entitled to do
7 either of the following:

8 (1) Recover the forfeited rights and benefits.

9 (2) Redeposit any contributions and interest that would have
10 accrued during the forfeiture period, as determined by the system
11 actuary, and then recover the full amount of the forfeited rights
12 and benefits.

13 ~~(g)~~

14 ~~(h)~~ The public retirement system shall implement this section
15 in a manner that protects an innocent spouse *or former spouse* and
16 is consistent with existing law governing the division of community
17 property, including, but not limited to, Section 2610 of the Family
18 Code.

19 ~~(h)~~

20 ~~(i)~~ This section shall apply to the extent permissible by law.

21 ~~(i)~~ ~~This section shall apply retroactively and prospectively to~~
22 ~~any public employee described in subdivision (a), regardless of~~
23 ~~that public employee's date of hire.~~

24 SEC. 2. Article 8 (commencing with Section 2049) is added
25 to Chapter 1 of Title 1 of Part 3 of the Penal Code, to read:

26
27 Article 8. Central California Women's Facility
28

29 2049. There is and shall continue to be a state prison known
30 as the Central California Women's Facility, which is located in
31 the City of Chowchilla.

32 2049.1. The Department of Corrections and Rehabilitation
33 shall construct and establish one new building with 100 additional
34 single-cell housing units at the Central California Women's Facility
35 for the confinement of women under the custody of the Secretary
36 of the Department of Corrections and Rehabilitation.

37 SEC. 3. Section 5030 is added to the Penal Code, to read:

38 5030. (a) The Department of Corrections and Rehabilitation
39 shall do all of the following in all women's state prison facilities:

1 (1) Install fixed cameras by January 1, 2028, in all designated
2 locations that have been ordered by the court or the Legislature.

3 (2) Install thermal sensor cameras that track body movements
4 in inmate bathrooms.

5 (3) Eliminate solo shifts for correctional officers.

6 (b) A correctional lieutenant on the site of a state prison facility
7 shall have the authority to, upon request by an inmate, transfer that
8 inmate to restrictive housing.

9 *SEC. 4. The provisions of this act are severable. If any*
10 *provision of this act or its application is held invalid, that invalidity*
11 *shall not affect other provisions or applications that can be given*
12 *effect without the invalid provision or application.*