

AMENDED IN SENATE APRIL 21, 2025

**SENATE BILL**

**No. 857**

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**Introduced by Committee on Public Safety (Senators  
Arreguín (Chair), Caballero, Gonzalez, Pérez, Seyarto, and Wiener)**

March 12, 2025

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An act to amend ~~Section 6025~~ of Sections 7583.7 and 7598.2 of the Business and Professions Code, to amend Sections 49428.2, 49428.15, and 56366.1 of the Education Code, to amend Section 6389 of the Family Code, to amend Sections 7286, 8589.11, 8589.15, 12838, 12838.6, 13332.09, 14612, and 20403 of the Government Code, to amend Sections 1180.2, 1180.4, 1250.10, 1522.41, 1562.01, 1563, and 127825 of the Health and Safety Code, to amend Section 6401.8 of the Labor Code, to amend Sections 311.2, 835a, 1171, 1202.4, 1370, 1370.01, 1463.007, 1473.1, 2052, 2056, 2700, 2701, 2716.5, 2800, 2801, 2802, 2804, 2806, 2808, 2810.5, 2811, 2816, 2817, 2818, 4497.50, 4497.52, 4497.54, 4497.56, 6025, 6202, 13511.1, 13515.26, 13515.27, 13515.28, 13515.295, 13515.30, 13519.10, 13652, 13652.1, and 18108 of, and to add Section 2800.5 to, the Penal Code, to amend Sections 6108, 10103.5, 10332, and 12217 of the Public Contract Code, to amend Sections 4953 and 42989.2.1 of the Public Resources Code, to amend Section 99243 of the Public Utilities Code, to amend Section 1095 of the Unemployment Insurance Code, to amend Sections 1808.4 and 5072 of the Vehicle Code, and to amend Sections 755, 786, 788, 16001.9, 16527, 16529, 18358.10, 18358.20, 18358.30, 18360.10, and 18999.93 of the Welfare and Institutions Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 857, as amended, Committee on Public Safety. Public safety omnibus.

~~Existing~~

(1) *Existing* law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. The duties of the board, among others, include establishing standards for local correctional facilities and correctional officers. Under existing law, the board is composed of 15 members, as specified, and 7 members constitutes a quorum.

This bill would instead require 8 members to constitute a quorum.

(2) *Existing law creates within the Department of Corrections and Rehabilitation the Prison Industry Authority.*

*This bill would rename the Prison Industry Authority as the California Correctional Training and Rehabilitation Authority, would rename the Prison Industry Board as the California Correctional Training and Rehabilitation Board, would rename the Prison Industries Revolving Fund as the California Correctional Training and Rehabilitation Revolving Fund, and would require that any reference to the Prison Industry Authority be deemed a reference to the California Correctional Training and Rehabilitation Authority.*

(3) *Existing law establishes the jurisdiction of the juvenile court over minors who are between 12 and 17 years of age, who have violated a federal, state, or local law or ordinance, as specified, and over minors under 12 years of age who have been alleged to have committed specified crimes. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court. Existing law authorizes the juvenile court to permit a person adjudged a ward of the juvenile court, or placed on probation by the juvenile court, to reside in a county other than their county of legal residence. Existing law authorizes a ward who is permitted to reside in a county other than their county of legal residence to be supervised by the probation officer of the county of actual residence, with the consent of that probation officer.*

*This bill would clarify that these provisions apply to wards discharged to probation supervision after having been confined in a secure youth treatment facility, or after having been transferred to a less restrictive program from a secure youth treatment facility.*

(4) *Existing law authorizes any county or court to implement a "comprehensive collection program" as a separate revenue collection activity, and requires the program to meet certain criteria, one of which*

*is that the program engages in specified activities in collecting fines or penalties, including, among other things, initiating a driver's license suspension or hold, as specified.*

*This bill would delete initiating suspensions or holds for driver's licenses from the list of activities in which the program may engage.*

*(5) Various provisions of the Health and Safety Code, Penal Code, and Welfare and Institutions Code, among others, refer to training and other requirements related to "deescalation techniques."*

*This bill would revise all references to "deescalation" to "de-escalation."*

*(6) The bill would also make other technical changes, both conforming and nonsubstantive.*

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

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

- 1     **SECTION 1.** *Section 7583.7 of the Business and Professions*
- 2     *Code is amended to read:*
- 3     7583.7. (a) The course of training in the exercise of the power
- 4     to arrest and the appropriate use of force may be administered,
- 5     tested, and certified by any licensee or by any organization or
- 6     school approved by the department. The department may approve
- 7     any person or school to teach the course in the exercise of the
- 8     power to arrest and the appropriate use of force. The department
- 9     may review and provide more guidance on courses of training
- 10    when best practices are updated. The course of training shall be
- 11    approximately eight hours in length and shall cover all of the
- 12    following topics:
- 13    (1) Responsibilities and ethics in citizen arrest.
- 14    (2) Relationship between a security guard and a peace officer
- 15    in making an arrest.
- 16    (3) Limitations on security guard power to arrest.
- 17    (4) Restrictions on searches and seizures.
- 18    (5) Criminal and civil liabilities, including both of the following:
- 19    (A) Personal liability.
- 20    (B) Employer liability.
- 21    (6) Trespass law.
- 22    (7) Ethics and communications.

- 1 (8) Emergency situation response, including response to medical  
2 emergencies.
- 3 (9) Security officer safety.
- 4 (10) The appropriate use of force, including all of the following  
5 topics:
- 6 (A) Legal standards for use of force.
- 7 (B) Duty to intercede.
- 8 (C) The use of objectively reasonable force.
- 9 (D) Supervisory responsibilities.
- 10 (E) Use of force review and analysis.
- 11 (F) ~~De-escalation~~ *De-escalation* and interpersonal communication  
12 training, including tactical methods that use time, distance, cover,  
13 and concealment, to avoid escalating situations that lead to  
14 violence.
- 15 (G) Implicit and explicit bias and cultural competency.
- 16 (H) Skills, including ~~de-escalation~~ *de-escalation* techniques, to  
17 effectively, safely, and respectfully interact with people with  
18 disabilities or behavioral health issues.
- 19 (I) Use of force scenario training, including simulations of  
20 low-frequency, high-risk situations and calls for service,  
21 shoot-or-don't-shoot situations, and real-time force option  
22 decisionmaking.
- 23 (J) Mental health and policing, including bias and stigma.
- 24 (K) Active shooter situations.
- 25 (11) Any other topic deemed appropriate by the bureau,  
26 excluding Weapons of Mass Destruction and Terrorism Awareness,  
27 which may be an elective topic only.
- 28 (b) (1) The majority of the course shall be taught by means of  
29 verbal instruction. This instruction may include the use of a video  
30 presentation.
- 31 (2) Paragraph (10) of subdivision (a) shall be conducted through  
32 traditional classroom instruction. For the purposes of this  
33 paragraph, "traditional classroom instruction" means instruction  
34 where the instructor is physically present with students in a  
35 classroom for a minimum of 50 percent of the course and is  
36 available at all times, including during instruction provided through  
37 distance learning or remote platforms, to answer students' questions  
38 while providing the required training. In this setting, the instructor  
39 provides demonstrations and hands-on instruction in order to  
40 establish each student's proficiency as to the course content.

(c) (1) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest and the appropriate use of force, which may be known as the Power to Arrest and Appropriate Use of Force Manual. The department shall encourage additional training and may provide a training guide recommending additional courses to be taken by security personnel.

(2) The development, adoption, amendment, or repeal of the Power to Arrest and Appropriate Use of Force Manual by the bureau is exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(d) Private patrol operators may provide a copy of the Power to Arrest and Appropriate Use of Force Manual to each person that they currently employ as a security guard. The private patrol operator may provide the guidebook to each person the private patrol operator intends to hire as a security guard a reasonable time prior to the time the person begins the course in the exercise of the power to arrest and the appropriate use of force.

(e) The bureau may inspect, supervise, or view the administration of the test at any time and without any prior notification. Any impropriety in the administration of the course or the test shall constitute grounds for disciplinary action.

(f) This section shall become operative on July 1, 2023.

*SEC. 2. Section 7598.2 of the Business and Professions Code is amended to read:*

7598.2. (a) The course of training in the exercise of the power to arrest and the appropriate use of force may be administered, tested, and certified by any licensee. The department may approve any person or school to teach the course in the exercise of the power to arrest and the appropriate use of force. The course of training shall be approximately four hours in length and cover the following topics:

- (1) Responsibilities and ethics in citizen arrest.
- (2) Relationship with the public police in arrest.
- (3) Limitations on security guard power to arrest.
- (4) Restrictions on searches and seizures.
- (5) Criminal and civil liabilities.
- (A) Personal liability.
- (B) Employer liability.

(6) The appropriate use of force, including all of the following topics:

- (A) Legal standards for use of force.
- (B) Duty to intercede.
- (C) The use of objectively reasonable force.
- (D) Supervisory responsibilities.
- (E) Use of force review and analysis.
- (F) ~~De-escalation~~ *De-escalation* and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
- (G) Implicit and explicit bias and cultural competency.
- (H) Skills, including ~~de-escalation~~ *de-escalation* techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
- (I) Use of force scenario training, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decisionmaking.
- (J) Mental health and policing, including bias and stigma.
- (K) Active shooter situations.

(7) Any other topic deemed appropriate by the bureau, excluding Weapons of Mass Destruction and Terrorism Awareness, which may be an elective topic only.

(b) Paragraph (6) of subdivision (a) shall be conducted through traditional classroom instruction. For the purposes of this subdivision, “traditional classroom instruction” means instruction where the instructor is physically present with students in a classroom and is available to answer students’ questions while providing the required training. In this setting, the instructor provides demonstrations and hands-on instruction in order to establish each student’s proficiency as to the course content.

(c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest and the appropriate use of force. The department shall encourage additional training and may provide a training guide recommending additional courses.

(d) This section shall become operative on July 1, 2023.

*SEC. 3. Section 49428.2 of the Education Code is amended to read:*

1 49428.2. (a) For purposes of this section, the following  
2 definitions apply:

3 (1) “Local educational agency” means a county office of  
4 education, school district, state special school, or charter school  
5 that serves pupils in any of grades 7 to 12, inclusive.

6 (2) “Youth behavioral health disorders” means pupil mental  
7 health and substance use disorders.

8 (3) “Youth behavioral health training” means training that  
9 develops awareness of trauma and the brain’s response to stress  
10 and the protective factors for behavioral health and well-being that  
11 support healing and resilience.

12 (b) (1) The governing board or body of a local educational  
13 agency shall, before January 31, 2026, adopt, at a regularly  
14 scheduled meeting, a policy on referral protocols for addressing  
15 pupil behavioral health concerns in grades 7 to 12, inclusive. The  
16 policy shall be developed in consultation with school and  
17 community stakeholders and school-linked behavioral health  
18 professionals, and shall, at a minimum, address procedures relating  
19 to referrals to behavioral health professionals and support services.  
20 Policies adopted before the date of enactment of the act that added  
21 this section may be considered to meet the requirements of this  
22 section, if they fulfill the requirements of this section.

23 (2) The policy adopted pursuant to paragraph (1) shall either be  
24 based on the model policy developed by the department or be  
25 consistent with subdivision (b) of Section 49428.1.

26 (3) The policy adopted pursuant to paragraph (1) shall  
27 specifically address the needs of high-risk groups, including, but  
28 not limited to, all of the following:

29 (A) Pupils bereaved by death or loss of a close family member  
30 or friend.

31 (B) Pupils for whom there is concern due to behavioral health  
32 disorders, including common psychiatric conditions and substance  
33 use disorders such as opioid and alcohol abuse.

34 (C) Pupils with disabilities, mental illness, or substance use  
35 disorders.

36 (D) Pupils experiencing homelessness or placed in out-of-home  
37 settings, such as foster care.

38 (E) Lesbian, gay, bisexual, transgender, or questioning pupils.

1 (4) (A) The policy adopted pursuant to paragraph (1) shall also  
2 address any training to be provided to teachers of pupils in grades  
3 7 to 12, inclusive, on pupil behavioral health.

4 (B) Materials approved by a local educational agency for  
5 training shall include how to identify appropriate contacts for  
6 behavioral health evaluation, services, or both evaluation and  
7 services, at both the schoolsite and within the larger community,  
8 and when and how to refer pupils and their families to those  
9 services.

10 (C) Materials approved for training may also include programs  
11 that can be completed through self-review of materials developed  
12 pursuant to this section.

13 (5) The policy adopted pursuant to paragraph (1) shall be written  
14 to ensure that a school employee acts only within the authorization  
15 and scope of the employee's credential or license. Nothing in this  
16 section shall be construed as authorizing or encouraging a school  
17 employee to diagnose or treat youth behavioral health disorders  
18 unless the employee is specifically licensed and employed to do  
19 so.

20 (6) To assist local educational agencies in developing policies  
21 on referral protocols, the department shall develop and maintain  
22 a model policy in accordance with Section 49428.1 to serve as a  
23 guide for local educational agencies.

24 (c) Subject to subdivision (d), on or before July 1, 2029, a local  
25 educational agency shall certify to the department that 100 percent  
26 of its certificated employees and 40 percent of its classified  
27 employees, who have direct contact with pupils in any of grades  
28 7 to 12, have received youth behavioral health training at least one  
29 time, in accordance with all of the following:

30 (1) The training provides instruction around the unique risk  
31 factors and warning signs of behavioral health problems in  
32 adolescents, builds understanding of the importance of early  
33 intervention, and teaches classified and certificated employees  
34 how to help an adolescent in crisis or experiencing a behavioral  
35 health challenge, including guidance on when to make referrals  
36 consistent with the policy adopted pursuant to subdivision (b). The  
37 training may also include the following:

38 (A) Instruction on recognizing the signs and symptoms of youth  
39 behavioral health disorders, including, but not limited to,



1 psychiatric conditions and substance use disorders such as opioid  
2 and alcohol abuse.

3 (B) Instruction on how to maintain pupil privacy and  
4 confidentiality in a manner consistent with federal and state privacy  
5 laws.

6 (C) Instruction on the safe ~~de-escalation~~ *de-escalation* of crisis  
7 situations involving pupils with a youth behavioral health disorder.

8 (2) Except as provided in paragraph (3), the youth behavioral  
9 health training is provided to classified and certificated employees  
10 during regularly scheduled work hours.

11 (3) If a classified or certificated employee receives the youth  
12 behavioral health training in a manner other than through an  
13 in-service training program provided by the local educational  
14 agency, the employee may present a certificate of successful  
15 completion of the training to the local educational agency for  
16 purposes of satisfying the requirements of this subdivision.

17 (4) The youth behavioral health training shall not be a condition  
18 of employment or hiring for classified or certificated employees.

19 (5) A local educational agency may use the training described  
20 in subdivision (c) of Section 49428.15 to meet the requirements  
21 of this section.

22 (d) A local educational agency may exclude a licensed  
23 behavioral health professional who holds a pupil personnel services  
24 credential from the youth behavioral health training required by  
25 this section.

26 (e) A local educational agency may meet the requirements of  
27 subdivision (c) through an alternative approach by adopting a  
28 policy that describes how this approach is consistent with the goals  
29 specified in subdivision (c) but better meets the needs of pupils.

30 (f) Any parts of this section that fall within the scope of  
31 representation, as that term is used in paragraph (1) of subdivision  
32 (a) of Section 3543.2 of the Government Code, are subject to  
33 bargaining with the exclusive representative pursuant to Chapter  
34 10.7 (commencing with Section 3540) of Division 4 of Title 1 of  
35 the Government Code.

36 (g) It is the intent of the Legislature that the sum of thirty-five  
37 million dollars (\$35,000,000), or as much of that amount as is  
38 available, be allocated to the department, for apportionments to  
39 local educational agencies in the 2025–26 fiscal year pursuant to  
40 paragraph (2) of subdivision (c) of Section 36005 of the Revenue

1 and Taxation Code. Upon appropriation for this purpose, all of the  
2 following shall apply:

3 (1) The funding shall be provided on a per-pupil basis for each  
4 pupil enrolled in grades 7 to 12, inclusive, as reported in the  
5 California Longitudinal Pupil Achievement Data System for the  
6 prior year Fall 1 Submission to meet the requirements of this  
7 section.

8 (2) Local educational agencies shall first use the funding  
9 provided to support the youth behavioral health training described  
10 in subdivision (c).

11 (3) If there are remaining funds, local educational agencies shall  
12 use the funds to offer additional training consistent with this section  
13 or to increase the number of staff that hold a pupil personnel  
14 services credential within the local educational agency.

15 (h) This section shall become inoperative on July 1, 2030, and,  
16 as of January 1, 2031, is repealed.

17 *SEC. 4. Section 49428.15 of the Education Code is amended*  
18 *to read:*

19 49428.15. (a) For purposes of this section, the following  
20 definitions apply:

21 (1) “Evidence-based” means peer-reviewed, scientific research  
22 evidence, including studies based on research methodologies that  
23 control threats to both the internal and the external validity of the  
24 research findings.

25 (2) “Evidence-informed” means using research that is already  
26 available and has been tested for efficacy and effectiveness. This  
27 evidence is then combined with the experiences and expertise of  
28 the training program developers to best fit the population intended  
29 to be served.

30 (3) “Local educational agency” means a county office of  
31 education, school district, state special school, or charter school  
32 that serves pupils in any of grades 7 to 12, inclusive.

33 (4) “Youth behavioral health disorders” means pupil mental  
34 health and substance use disorders.

35 (5) “Youth behavioral health training” means training addressing  
36 the signs and symptoms of a pupil mental health or substance use  
37 disorder.

38 (b) The department shall, on or before January 1, 2023,  
39 recommend best practices, and identify evidence-based and  
40 evidence-informed training programs for schools to address youth

behavioral health, including, but not necessarily limited to, staff and pupil training.

(c) In identifying one or more evidence-based or evidence-informed youth behavioral health training programs for use by local educational agencies to train school staff or pupils pursuant to subdivision (b), the department shall ensure that each training program meets all of the following requirements:

(1) Provides instruction on recognizing the signs and symptoms of youth behavioral health disorders, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse.

(2) Provides instruction on how school staff can best provide referrals to youth behavioral health services or other support to individuals in the early stages of developing a youth behavioral health disorder.

(3) Provides instruction on how to maintain pupil privacy and confidentiality in a manner consistent with federal and state privacy laws.

(4) Provides instruction on the safe ~~de-escalation~~ *de-escalation* of crisis situations involving individuals with a youth behavioral health disorder.

(5) Is capable of assessing trainee knowledge before and after training is provided in order to measure training outcomes.

(6) Is administered by a nationally recognized training authority in youth behavioral health disorders or by a local educational agency.

(7) (A) Includes in-person and virtual training with certified instructors who can recommend resources available in the community for individuals with a youth behavioral health disorder.

(B) For purposes of this paragraph, “certified instructors” means individuals who obtain or have obtained a certification to provide the selected youth behavioral health training.

(d) This section shall be implemented only to the extent that an appropriation is made in the annual Budget Act or another statute for these purposes.

*SEC. 5. Section 56366.1 of the Education Code is amended to read:*

56366.1. (a) A nonpublic, nonsectarian school or agency that seeks certification shall file an application with the Superintendent

1 on forms provided by the department, and shall include all of the  
2 following information on the application:

3 (1) A description of the special education and designated  
4 instruction and services provided to individuals with exceptional  
5 needs if the application is for nonpublic, nonsectarian school  
6 certification.

7 (2) A description of the designated instruction and services  
8 provided to individuals with exceptional needs if the application  
9 is for nonpublic, nonsectarian agency certification.

10 (3) A list of appropriately qualified staff, a description of the  
11 credential, license, or registration that qualifies each staff member  
12 rendering special education or designated instruction and services  
13 to do so, and copies of their credentials, licenses, or certificates of  
14 registration with the appropriate state or national organization that  
15 has established standards for the service rendered.

16 (4) (A) (i) Commencing with the 2020–21 school year,  
17 documentation that the nonpublic, nonsectarian school or agency  
18 will train staff who will have contact or interaction with pupils  
19 during the schoolday in the use of evidence-based practices and  
20 interventions specific to the unique behavioral needs of the  
21 nonpublic, nonsectarian school or agency's pupil population. The  
22 training shall be provided within 30 days of employment to new  
23 staff who have any contact or interaction with pupils during the  
24 schoolday, and annually to all staff who have any contact or  
25 interaction with pupils during the schoolday.

26 (ii) For a nonpublic, nonsectarian school or agency that was in  
27 existence as of the January 1 immediately preceding a school year,  
28 documentation that the nonpublic, nonsectarian school or agency's  
29 staff members who will have contact or interaction with pupils  
30 during the schoolday have received training that complies with  
31 the requirements of subparagraphs (B) and (C).

32 (B) The training described in this paragraph shall be selected  
33 and conducted by the nonpublic, nonsectarian school or agency  
34 and shall satisfy all of the following conditions:

35 (i) Be conducted by persons licensed or certified in fields related  
36 to the evidence-based practices and interventions being taught.

37 (ii) Be taught in a manner consistent with the development and  
38 implementation of individualized education programs.

1 (iii) Be consistent with the requirements of Article 5.2  
2 (commencing with Section 49005) of Chapter 6 of Part 27, relating  
3 to pupil discipline.

4 (C) The content of the training described in this paragraph shall  
5 include, but is not limited to, all of the following:

6 (i) Positive behavioral intervention and supports, including  
7 collection, analysis, and use of data to inform, plan, and implement  
8 behavioral supports.

9 (ii) How to understand and address challenging behaviors,  
10 including evidence-based strategies for preventing those behaviors.

11 (iii) Evidence-based interventions for reducing and replacing  
12 challenging behaviors, including ~~de-escalation~~ *de-escalation*  
13 techniques.

14 (D) (i) The contracting local educational agency shall verify  
15 the nonpublic, nonsectarian school or agency's compliance with  
16 the requirements of this paragraph, and the nonpublic, nonsectarian  
17 school or agency shall report the contracting local educational  
18 agency's verification to the Superintendent annually with the  
19 annual certification documents described in subdivision (h).

20 (ii) For a nonpublic, nonsectarian school or agency seeking  
21 initial certification, the contracting local educational agency shall  
22 verify that the plan and timeline for training provided pursuant to  
23 this paragraph are included in the master contract.

24 (iii) For a nonpublic, nonsectarian school or agency not in  
25 existence as of the January 1 immediately preceding a school year,  
26 the contracting local educational agency shall, 30 days following  
27 the commencement of the school year, verify that the nonpublic,  
28 nonsectarian school or agency provided the training required by  
29 this paragraph, and shall submit the verification to the  
30 Superintendent at that time.

31 (iv) The nonpublic, nonsectarian school or agency shall maintain  
32 written records of the training provided pursuant to this paragraph,  
33 and shall provide written verification of the training upon request.

34 (5) Commencing with the 2021–22 school year, documentation  
35 that the administrator of the nonpublic, nonsectarian school holds  
36 or is in the process of obtaining one of the following:

37 (A) An administrative credential granted by an accredited  
38 postsecondary educational institution and two years of experience  
39 with pupils with disabilities.

1 (B) A pupil personnel services credential that authorizes school  
2 counseling or psychology.

3 (C) A license as a clinical social worker issued by the Board of  
4 Behavioral Sciences.

5 (D) A license in psychology regulated by the Board of  
6 Psychology.

7 (E) A master's degree issued by an accredited postsecondary  
8 institution in education, special education, psychology, counseling,  
9 behavioral analysis, social work, behavioral science, or  
10 rehabilitation.

11 (F) A credential authorizing special education instruction and  
12 at least two years of experience teaching in special education before  
13 becoming an administrator.

14 (G) A license as a marriage and family therapist certified by the  
15 Board of Behavioral Sciences.

16 (H) A license as an educational psychologist issued by the Board  
17 of Behavioral Sciences.

18 (I) A license as a professional clinical counselor issued by the  
19 Board of Behavioral Sciences.

20 (6) An annual operating budget.

21 (7) Affidavits and assurances necessary to comply with all  
22 applicable federal, state, and local laws and regulations that include  
23 criminal record summaries required of all nonpublic, nonsectarian  
24 school or agency personnel having contact with minor children  
25 under Section 44237.

26 (8) Commencing with the 2024–25 school year, a nonpublic  
27 nonsectarian school shall include assurances that for any pupil  
28 served by the school who is a foster child as defined in subdivision  
29 (a) of Section 48853.5, the school agrees to do both of the  
30 following:

31 (A) Serve as the school of origin of the foster child, as applicable  
32 pursuant to subdivision (g) of Section 48853.5.

33 (B) Allow the foster child to continue their education in the  
34 school, as applicable pursuant to subdivisions (f) and (g) of Section  
35 48853.5.

36 (b) (1) The applicant shall provide the special education local  
37 plan area in which the applicant is located with the written  
38 notification of its intent to seek certification or renewal of its  
39 certification. The local educational agency representatives shall  
40 acknowledge that they have been notified of the intent to certify

1 or renew certification. The acknowledgment shall include a  
2 statement that representatives of the local educational agency for  
3 the area in which the applicant is located have had the opportunity  
4 to review the application at least 60 calendar days before  
5 submission of an initial application to the Superintendent, or at  
6 least 30 calendar days before submission of a renewal application  
7 to the Superintendent. The acknowledgment shall provide  
8 assurances that local educational agency representatives have had  
9 the opportunity to provide input on all required components of the  
10 application.

11 (2) If the local educational agency has not acknowledged an  
12 applicant's intent to be certified 60 calendar days from the date of  
13 submission for initial applications or 30 calendar days from the  
14 date of the return receipt for renewal applications, the applicant  
15 may file the application with the Superintendent.

16 (3) The department shall provide electronic notification of the  
17 availability of renewal application materials to certified nonpublic,  
18 nonsectarian schools and agencies at least 120 days before the date  
19 their current certification expires.

20 (c) If the applicant operates a facility or program on more than  
21 one site, each site shall be certified.

22 (d) If the applicant is part of a larger program or facility on the  
23 same site, the Superintendent shall consider the effect of the total  
24 program on the applicant. A copy of the policies and standards for  
25 the nonpublic, nonsectarian school or agency and the larger  
26 program shall be available to the Superintendent.

27 (e) (1) Before certification, the Superintendent shall conduct  
28 an onsite review of the facility and program for which the applicant  
29 seeks certification. The Superintendent may be assisted by  
30 representatives of the special education local plan area in which  
31 the applicant is located and a nonpublic, nonsectarian school or  
32 agency representative who does not have a conflict of interest with  
33 the applicant. The Superintendent shall conduct an additional onsite  
34 review of the facility and program within three years of the  
35 effective date of the certification, unless the Superintendent  
36 conditionally certifies the nonpublic, nonsectarian school or  
37 agency, or unless the Superintendent receives a formal complaint  
38 against the nonpublic, nonsectarian school or agency. In the latter  
39 two cases, the Superintendent shall conduct an onsite review at  
40 least annually.

1 (2) In carrying out this subdivision, the Superintendent may  
2 verify that the nonpublic, nonsectarian school or agency has  
3 received a successful criminal background check clearance and  
4 has enrolled in subsequent arrest notice service, pursuant to Section  
5 44237, for each owner, operator, and employee of the nonpublic,  
6 nonsectarian school or agency.

7 (3) Commencing with the 2020–21 school year, a local  
8 educational agency that enters into a master contract with a  
9 nonpublic, nonsectarian school shall conduct, at minimum, both  
10 of the following:

11 (A) An onsite visit to the nonpublic, nonsectarian school before  
12 placement of a pupil if the local educational agency does not have  
13 any pupils enrolled at the school at the time of placement.

14 (B) At least one onsite monitoring visit during each school year  
15 to the nonpublic, nonsectarian school at which the local educational  
16 agency has a pupil attending and with which it maintains a master  
17 contract. The monitoring visit shall include, but is not limited to,  
18 a review of services provided to the pupil through the individual  
19 service agreement between the local educational agency and the  
20 nonpublic, nonsectarian school, a review of progress the pupil is  
21 making toward the goals set forth in the pupil's individualized  
22 education program, a review of progress the pupil is making toward  
23 the goals set forth in the pupil's behavioral intervention plan, if  
24 applicable, an observation of the pupil during instruction, and a  
25 walkthrough of the facility. The local educational agency shall  
26 report the findings resulting from the monitoring visit to the  
27 department within 60 calendar days of the onsite visit. On or before  
28 June 30, 2020, the department shall, with input from special  
29 education local plan area administrators, create and publish criteria  
30 for reporting this information to the department.

31 (f) The Superintendent shall make a determination on an  
32 application within 120 days of receipt of the application and shall  
33 certify, conditionally certify, or deny certification to the applicant.  
34 If the Superintendent fails to take one of these actions within 120  
35 days, the applicant is automatically granted conditional certification  
36 for a period terminating on August 31 of the current school year.  
37 If certification is denied, the Superintendent shall provide reasons  
38 for the denial. The Superintendent shall not certify the nonpublic,  
39 nonsectarian school or agency for a period longer than one year.



1 (g) Certification becomes effective on the date the nonpublic,  
2 nonsectarian school or agency meets all the application  
3 requirements and is approved by the Superintendent. Certification  
4 may be retroactive if the nonpublic, nonsectarian school or agency  
5 met all the requirements of this section on the date the retroactive  
6 certification is effective. Certification expires on December 31 of  
7 the terminating year.

8 (h) The Superintendent annually shall review the certification  
9 of each nonpublic, nonsectarian school or agency. For this purpose,  
10 a certified nonpublic, nonsectarian school or agency annually shall  
11 update its application between August 1 and October 31, unless  
12 the state board grants a waiver pursuant to Section 56101. The  
13 Superintendent may conduct an onsite review as part of the annual  
14 review.

15 (i) (1) The Superintendent shall conduct an investigation of a  
16 nonpublic, nonsectarian school or agency onsite at any time without  
17 prior notice if there is substantial reason to believe that there is an  
18 immediate danger to the health, safety, or welfare of a child. The  
19 Superintendent shall document the concern and submit it to the  
20 nonpublic, nonsectarian school or agency at the time of the onsite  
21 investigation. The Superintendent shall require a written response  
22 to any noncompliance or deficiency found.

23 (2) A nonpublic, nonsectarian school or agency shall notify the  
24 department and the local educational agency with which it has a  
25 master contract of any pupil-involved incident at the school or  
26 agency in which law enforcement was contacted. This notification  
27 shall be provided in writing, no later than one business day after  
28 the incident occurred.

29 (3) With respect to a nonpublic, nonsectarian school or agency,  
30 the Superintendent shall conduct an investigation, which may  
31 include an unannounced onsite visit, if the Superintendent receives  
32 evidence of a significant deficiency in the quality of educational  
33 services provided, a violation of Section 56366.9, or  
34 noncompliance with the policies expressed by subdivision (b) of  
35 Section 1501 of the Health and Safety Code by the nonpublic,  
36 nonsectarian school or agency. The Superintendent shall document  
37 the complaint and the results of the investigation and shall provide  
38 copies of the documentation to the complainant, the nonpublic,  
39 nonsectarian school or agency, and the contracting local educational  
40 agency.

(4) Violations or noncompliance documented pursuant to paragraph (1) or (3) shall be reflected in the status of the certification of the nonpublic, nonsectarian school or agency, at the discretion of the Superintendent, pending an approved plan of correction by the nonpublic, nonsectarian school or agency. The department shall retain for a period of 10 years all violations pertaining to certification of the nonpublic, nonsectarian school or agency.

(5) In carrying out this subdivision, the Superintendent may verify that the nonpublic, nonsectarian school or agency received a successful criminal background check clearance and has enrolled in subsequent arrest notice service, pursuant to Section 44237, for each owner, operator, and employee of the nonpublic, nonsectarian school or agency.

(j) The Superintendent shall monitor the facilities, the educational environment, and the quality of the educational program, including the teaching staff, the credentials authorizing service, the standards-based core curriculum being employed, and the standards-focused instructional materials used, of an existing certified nonpublic, nonsectarian school or agency on a three-year cycle, as follows:

(1) The nonpublic, nonsectarian school or agency shall complete a self-review in year one.

(2) The Superintendent shall conduct an onsite review of the nonpublic, nonsectarian school or agency in year two.

(3) The Superintendent shall conduct a followup visit to the nonpublic, nonsectarian school or agency in year three.

(k) (1) Notwithstanding any other law, the Superintendent shall not certify a nonpublic, nonsectarian school or agency that proposes to initiate or expand services to pupils currently educated in the immediate prior fiscal year in a juvenile court program, community school pursuant to Section 56150, or other nonspecial education program, including independent study or adult school, or both, unless the nonpublic, nonsectarian school or agency notifies the county superintendent of schools and the special education local plan area in which the proposed new or expanded nonpublic, nonsectarian school or agency is located of its intent to seek certification.

(2) The notification shall occur no later than the December 1 before the new fiscal year in which the proposed or expanding

1 school or agency intends to initiate services. The notice shall  
2 include the following:

3 (A) The specific date upon which the proposed nonpublic,  
4 nonsectarian school or agency is to be established.

5 (B) The location of the proposed program or facility.

6 (C) The number of pupils proposed for services, the number of  
7 pupils currently served in the juvenile court, community school,  
8 or other nonspecial education program, the current school services  
9 including special education and related services provided for these  
10 pupils, and the specific program of special education and related  
11 services to be provided under the proposed program.

12 (D) The reason for the proposed change in services.

13 (E) The number of staff who will provide special education and  
14 designated instruction and services and hold a current valid  
15 California credential or license in the service rendered.

16 (3) In addition to the requirements in subdivisions (a) to (f),  
17 inclusive, the Superintendent shall require and consider the  
18 following in determining whether to certify a nonpublic,  
19 nonsectarian school or agency as described in this subdivision:

20 (A) A complete statement of the information required as part  
21 of the notice under paragraph (1).

22 (B) Documentation of the steps taken in preparation for the  
23 conversion to a nonpublic, nonsectarian school or agency, including  
24 information related to changes in the population to be served and  
25 the services to be provided pursuant to each pupil's individualized  
26 education program.

27 (4) Notwithstanding any other law, the certification becomes  
28 effective no earlier than July 1 if the nonpublic, nonsectarian school  
29 or agency provided the notification required pursuant to paragraph  
30 (1).

31 (l) (1) Notwithstanding any other law, the Superintendent shall  
32 not certify or renew the certification of a nonpublic, nonsectarian  
33 school that also operates a licensed children's institution, unless  
34 all of the following conditions are met:

35 (A) The entity operating the nonpublic, nonsectarian school  
36 maintains separate financial records for each entity that it operates,  
37 with each nonpublic, nonsectarian school identified separately  
38 from any licensed children's institution that it operates.

39 (B) The entity submits an annual budget that identifies the  
40 projected costs and revenues for each entity and demonstrates that

1 the rates to be charged are reasonable to support the operation of  
2 the entity.

3 (C) The entity submits an entitywide annual audit that identifies  
4 its costs and revenues, by entity, in accordance with generally  
5 accepted accounting and auditing principles. The audit shall clearly  
6 document the amount of moneys received and expended on the  
7 educational program provided by the nonpublic, nonsectarian  
8 school.

9 (D) The relationship between various entities operated by the  
10 same entity are documented, defining the responsibilities of the  
11 entities. The documentation shall clearly identify the services to  
12 be provided as part of each program, for example, the residential  
13 or medical program, the mental health program, or the educational  
14 program. The entity shall not seek funding from a public agency  
15 for a service, either separately or as part of a package of services,  
16 if the service is funded by another public agency, either separately  
17 or as part of a package of services.

18 (2) For purposes of this section, “licensed children’s institution”  
19 has the same meaning as it is defined by Section 56155.5.

20 (m) (1) The nonpublic, nonsectarian school or agency shall be  
21 charged a reasonable fee for certification. The Superintendent may  
22 adjust the fee annually commensurate with the statewide average  
23 percentage inflation adjustment computed for local control funding  
24 formula allocations pursuant to Section 42238.02, as implemented  
25 by Section 42238.03, of unified school districts with greater than  
26 1,500 units of average daily attendance if the percentage increase  
27 is reflected in the school district local control funding formula  
28 allocation pursuant to Section 42238.02, as implemented by Section  
29 42238.03, for inflation purposes. For purposes of this section, the  
30 base fee shall be the following:

31		
32	(1) 1–5 pupils .....	\$ 300
33	(2) 6–10 pupils .....	500
34	(3) 11–24 pupils .....	1,000
35	(4) 25–75 pupils .....	1,500
36	(5) 76 pupils and over .....	2,000
37		

38 (2) The nonpublic, nonsectarian school or agency shall pay this  
39 fee when it applies for certification and when it updates its  
40 application for annual renewal by the Superintendent. The

1 Superintendent shall use these fees to conduct onsite reviews,  
2 which may include field experts. A fee shall not be refunded if the  
3 application is withdrawn or is denied by the Superintendent.

4 (n) (1) Notwithstanding any other law, only those nonpublic,  
5 nonsectarian schools or agencies that provide special education  
6 and designated instruction and services using administrators and  
7 staff who hold a certificate, permit, or other document equivalent  
8 to that which staff in a public school are required to hold in the  
9 service rendered are eligible to receive certification. Only those  
10 nonpublic, nonsectarian schools or agencies located outside of  
11 California that employ staff who hold a current valid credential or  
12 license to render special education and related services as required  
13 by that state shall be eligible to be certified. Commencing with the  
14 2021–22 school year, this paragraph shall not apply to  
15 administrators.

16 (2) Commencing with the 2021–22 school year, notwithstanding  
17 any other law, only those nonpublic, nonsectarian schools or  
18 agencies that provide special education and related services using  
19 administrators who hold or are in the process of obtaining a  
20 credential, degree, or license in accordance with paragraph (5) of  
21 subdivision (a) are eligible to be certified.

22 (3) The state board shall develop regulations to implement this  
23 subdivision.

24 (o) In addition to meeting the standards adopted by the state  
25 board, a nonpublic, nonsectarian school or agency shall provide  
26 written assurances that it meets all applicable standards relating  
27 to fire, health, sanitation, and building safety.

28 (p) (1) Notwithstanding subdivision (n) of Section 44237, and  
29 for purposes of enabling the Superintendent to carry out the duties  
30 pursuant to this section, a nonpublic, nonsectarian school or agency  
31 shall, upon demand, make available to the Superintendent evidence  
32 of a successful criminal background check clearance and  
33 enrollment in subsequent arrest notice service, conducted pursuant  
34 to Section 44237, for each owner, operator, and employee of the  
35 nonpublic, nonsectarian school or agency.

36 (2) The nonpublic, nonsectarian school or agency shall retain  
37 the evidence and store it in a locked file separate from other files.

38 *SEC. 6. Section 6389 of the Family Code, as added by Section*  
39 *9.5 of Chapter 544 of the Statutes of 2024, is amended to read:*

6389. (a) A person subject to a protective order, as defined in Section 6218, shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect. A person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(b) On all forms providing notice that a protective order has been requested or granted, the Judicial Council shall include a notice that, upon service of the order, the respondent shall be ordered to relinquish possession or control of any firearms or ammunition and not to purchase or receive or attempt to purchase or receive any firearms or ammunition for a period not to exceed the duration of the restraining order.

(c) (1) Upon issuance of a protective order, as defined in Section 6218, the court shall order the respondent to relinquish any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control.

(2) The relinquishment ordered pursuant to paragraph (1) shall occur by immediately surrendering the firearm or ammunition in a safe manner, upon request of a law enforcement officer, to the control of the officer, after being served with the protective order. A law enforcement officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm or ammunition be immediately surrendered. Alternatively, if a request is not made by a law enforcement officer, the relinquishment shall occur within 24 hours of being served with the order, by either surrendering the firearm or ammunition in a safe manner to the control of local law enforcement officials, or by selling, transferring, or relinquishing for storage pursuant to Section 29830 of the Penal Code, the firearm or ammunition to a licensed gun dealer, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code. The law enforcement officer or licensed gun dealer taking possession of the firearm or ammunition pursuant to this subdivision shall issue a receipt to the person relinquishing the firearm or ammunition at the time of relinquishment. A person ordered to relinquish a firearm or ammunition pursuant to this

subdivision shall, within 48 hours after being served with the order, do both of the following:

(A) File, with the court that issued the protective order, the receipt showing the firearm or ammunition was surrendered to a local law enforcement agency or sold to a licensed gun dealer. Failure to timely file a receipt shall constitute a violation of the protective order.

(B) File a copy of the receipt described in subparagraph (A) with the law enforcement agency that served the protective order. Failure to timely file a copy of the receipt shall constitute a violation of the protective order.

(3) The forms for protective orders adopted by the Judicial Council and approved by the Department of Justice shall require the petitioner to describe the number, types, and locations of any firearms or ammunition presently known by the petitioner to be possessed or controlled by the respondent.

(4) A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.

(5) Every law enforcement agency in the state shall develop, adopt, and implement written policies and standards for law enforcement officers who request immediate relinquishment of firearms or ammunition.

(d) If the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(e) A local law enforcement agency may charge the respondent a fee for the storage of a firearm or ammunition pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm or

1 ammunition. For purposes of this subdivision, “actual cost” means  
2 expenses directly related to taking possession of a firearm or  
3 ammunition, storing the firearm or ammunition, and surrendering  
4 possession of the firearm or ammunition to a licensed dealer as  
5 defined in Section 26700 of the Penal Code or to the respondent.

6 (f) The restraining order requiring a person to relinquish a  
7 firearm or ammunition pursuant to subdivision (c) shall state on  
8 its face that the respondent is prohibited from owning, possessing,  
9 purchasing, or receiving a firearm or ammunition while the  
10 protective order is in effect and that the firearm or ammunition  
11 shall be relinquished to the local law enforcement agency for that  
12 jurisdiction or sold to a licensed gun dealer, and that proof of  
13 surrender or sale shall be filed with the court within a specified  
14 period of receipt of the order. The order shall also state on its face  
15 the expiration date for relinquishment. This section does not limit  
16 a respondent’s right under existing law to petition the court at a  
17 later date for modification of the order.

18 (g) The restraining order requiring a person to relinquish a  
19 firearm or ammunition pursuant to subdivision (c) shall prohibit  
20 the person from possessing or controlling a firearm or ammunition  
21 for the duration of the order. At the expiration of the order, the  
22 local law enforcement agency shall return possession of the  
23 surrendered firearm or ammunition to the respondent, within five  
24 days after the expiration of the relinquishment order, unless the  
25 local law enforcement agency determines that (1) the firearm or  
26 ammunition has been stolen, (2) the respondent is prohibited from  
27 possessing a firearm or ammunition because the respondent is in  
28 a prohibited class for the possession of firearms or ammunition,  
29 as defined in Chapter 2 (commencing with Section 29800) and  
30 Chapter 3 (commencing with Section 29900) of Division 9 of Title  
31 4 of Part 6 of the Penal Code, Section 30305 of the Penal Code,  
32 and Sections 8100 and 8103 of the Welfare and Institutions Code,  
33 or (3) another successive restraining order is issued against the  
34 respondent under this section. If the local law enforcement agency  
35 determines that the respondent is the legal owner of a firearm or  
36 ammunition deposited with the local law enforcement agency and  
37 is prohibited from possessing a firearm or ammunition, the  
38 respondent shall be entitled to sell or transfer the firearm or  
39 ammunition to a licensed dealer as defined in Section 26700 of  
40 the Penal Code. If the firearm or ammunition has been stolen, the



1 firearm or ammunition shall be restored to the lawful owner upon  
2 the owner identifying the firearm and ammunition and providing  
3 proof of ownership.

4 (h) The court may, as part of the relinquishment order, grant an  
5 exemption from the relinquishment requirements of this section  
6 for a particular firearm or ammunition if the respondent is not  
7 otherwise prohibited from owning, possessing, controlling, or  
8 purchasing a firearm and ammunition under state or federal law  
9 and one of the following applies:

10 (1) (A) The respondent is currently employed as a sworn peace  
11 officer who is required, as a condition of continued employment,  
12 to carry a firearm, ammunition, or firearm and ammunition and  
13 the current employer is unable to reassign the peace officer to  
14 another position where use of a specified firearm or ammunition  
15 is unnecessary. In such a case, a court may allow the peace officer  
16 to continue to carry a specified firearm, ammunition, or firearm  
17 and ammunition, either on duty or off duty, if the court finds by a  
18 preponderance of the evidence, in writing or on the record, both  
19 of the following:

20 (i) The peace officer's personal safety depends on the ability to  
21 carry that specific firearm, ammunition, or firearm and ammunition  
22 outside of scheduled work hours.

23 (ii) The peace officer does not pose an additional threat of harm  
24 to a protected party or the public by having access to that specific  
25 firearm, ammunition, or firearm and ammunition, including  
26 whether the peace officer might use the firearm for a purpose other  
27 than as permitted under this paragraph.

28 (B) Prior to making this finding, the court shall require a  
29 mandatory psychological evaluation of the peace officer by a  
30 licensed mental health professional with domestic violence  
31 expertise. The court shall consider the results of an evaluation and  
32 may require the peace officer to enter into counseling or another  
33 remedial treatment program to deal with a propensity for domestic  
34 violence.

35 (2) (A) The respondent is not a peace officer but is required to  
36 carry a specific firearm, ammunition, or firearm and ammunition  
37 during scheduled work hours as a condition of continued  
38 employment, *and* the current employer is unable to reassign the  
39 respondent to another position where the firearm, ammunition, or  
40 firearm and ammunition is unnecessary. In such a case, a court

1 may grant an exemption to allow the respondent to possess a  
2 specific firearm, ammunition, or firearm and ammunition only  
3 during scheduled work hours if the court finds by a preponderance  
4 of the evidence, in writing or on the record, that the respondent  
5 does not pose an additional threat of harm to a protected party or  
6 the public by having access to the specific firearm, ammunition,  
7 or firearm and ammunition only during scheduled work hours,  
8 including whether the respondent might utilize the firearm,  
9 ammunition, or firearm and ammunition for a purpose other than  
10 as permitted under this paragraph.

11 (B) To assist the court in making this determination, the court  
12 may order a psychological evaluation of the respondent by a  
13 licensed mental health professional with domestic violence  
14 expertise.

15 (C) If the court grants an exemption pursuant to this paragraph,  
16 the order shall provide that the specific firearm, ammunition, or  
17 firearm and ammunition shall be in the physical possession of the  
18 respondent only during scheduled work hours and that the  
19 exemption does not authorize the respondent to possess any other  
20 firearm or ammunition, or to possess the specific firearm,  
21 ammunition, or firearm and ammunition outside of scheduled work  
22 hours.

23 (i) (1) If an exemption is granted under subdivision (h) during  
24 the pendency of a temporary restraining order and the court  
25 subsequently issues a restraining order after hearing on the same  
26 application, the court shall review and make a finding, in writing  
27 or on the record, as to whether the exemption remains appropriate,  
28 based upon the criteria set forth in paragraph (1) or (2) of  
29 subdivision (h), as applicable, in light of the issuance of the order  
30 after hearing. This review and finding shall occur at the time the  
31 restraining order after hearing is issued.

32 (2) If an exemption is granted and the court subsequently renews  
33 the restraining order pursuant to Section 6345 at the request of a  
34 party, the court shall review and make a finding, in writing or on  
35 the record, as to whether the exemption remains appropriate, based  
36 upon the criteria set forth in paragraph (1) or (2) of subdivision  
37 (h), as applicable, in light of the renewal. This finding shall be  
38 made at the time the restraining order after hearing is renewed.

39 (3) The court may terminate or modify an exemption granted  
40 pursuant to this paragraph at any time if the respondent

1 demonstrates a need to modify the specific firearm, ammunition,  
2 or firearm and ammunition authorized by the court pursuant to  
3 subdivision (h) or if the respondent no longer meets the  
4 requirements in this section or otherwise violates the restraining  
5 order.

6 (j) During the period of the relinquishment order, a respondent  
7 is entitled to make one sale of all firearms or ammunition that are  
8 in the possession of a local law enforcement agency pursuant to  
9 this section. A licensed gun dealer, who presents a local law  
10 enforcement agency with a bill of sale indicating that all firearms  
11 or ammunition owned by the respondent that are in the possession  
12 of the local law enforcement agency have been sold by the  
13 respondent to the licensed gun dealer, shall be given possession  
14 of those firearms or ammunition, at the location where a  
15 respondent's firearms or ammunition are stored, within five days  
16 of presenting the local law enforcement agency with a bill of sale.

17 (k) The disposition of any unclaimed property under this section  
18 shall be made pursuant to Section 1413 of the Penal Code.

19 (l) (1) The relinquishment of a firearm to a law enforcement  
20 agency pursuant to subdivision (g) shall not be subject to the  
21 requirements of Section 27545 of the Penal Code.

22 (2) The return of firearms and ammunition by a law enforcement  
23 agency pursuant to this section shall be governed by the applicable  
24 provisions of Chapter 2 (commencing with Section 33850) of  
25 Division 11 of Title 4 of Part 6 of the Penal Code.

26 (m) If the respondent notifies the court that the respondent owns  
27 a firearm or ammunition that is not in their immediate possession,  
28 the court may limit the order to exclude that firearm or ammunition  
29 if the judge is satisfied the respondent is unable to gain access to  
30 that firearm or ammunition while the protective order is in effect.

31 (n) A respondent to a protective order who violates an order  
32 issued pursuant to this section shall be punished under the  
33 provisions of Section 29825 of the Penal Code.

34 (o) This section shall become operative on January 1, 2026.

35 *SEC. 7. Section 7286 of the Government Code is amended to*  
36 *read:*

37 7286. (a) For the purposes of this section:

38 (1) "Deadly force" means any use of force that creates a  
39 substantial risk of causing death or serious bodily injury. Deadly  
40 force includes, but is not limited to, the discharge of a firearm.

1 (2) “Excessive force” means a level of force that is found to  
2 have violated Section 835a of the Penal Code, the requirements  
3 on the use of force required by this section, or any other law or  
4 statute.

5 (3) “Feasible” means reasonably capable of being done or  
6 carried out under the circumstances to successfully achieve the  
7 arrest or lawful objective without increasing risk to the officer or  
8 another person.

9 (4) “Intercede” includes, but is not limited to, physically  
10 stopping the excessive use of force, recording the excessive force,  
11 if equipped with a body-worn camera, and documenting efforts to  
12 intervene, efforts to ~~de-escalate~~ *de-escalate* the offending officer’s  
13 excessive use of force, and confronting the offending officer about  
14 the excessive force during the use of force and, if the officer  
15 continues, reporting to dispatch or the watch commander on duty  
16 and stating the offending officer’s name, unit, location, time, and  
17 situation, in order to establish a duty for that officer to intervene.

18 (5) “Law enforcement agency” means any police department,  
19 sheriff’s department, district attorney, county probation department,  
20 transit agency police department, school district police department,  
21 the police department of any campus of the University of  
22 California, the California State University, or community college,  
23 the Department of the California Highway Patrol, the Department  
24 of Fish and Wildlife, and the Department of Justice.

25 (6) “Retaliation” means demotion, failure to promote to a higher  
26 position when warranted by merit, denial of access to training and  
27 professional development opportunities, denial of access to  
28 resources necessary for an officer to properly perform their duties,  
29 or intimidation, harassment, or the threat of injury while on duty  
30 or off duty.

31 (b) Each law enforcement agency shall, by no later than January  
32 1, 2021, maintain a policy that provides a minimum standard on  
33 the use of force. Each agency’s policy shall include all of the  
34 following:

35 (1) A requirement that officers utilize ~~de-escalation~~ *de-escalation*  
36 techniques, crisis intervention tactics, and other alternatives to  
37 force when feasible.

38 (2) A requirement that an officer may only use a level of force  
39 that they reasonably believe is proportional to the seriousness of

1 the suspected offense or the reasonably perceived level of actual  
2 or threatened resistance.

3 (3) A requirement that officers immediately report potential  
4 excessive force to a superior officer when present and observing  
5 another officer using force that the officer believes to be beyond  
6 that which is necessary, as determined by an objectively reasonable  
7 officer under the circumstances based upon the totality of  
8 information actually known to the officer.

9 (4) A prohibition on retaliation against an officer who reports  
10 a suspected violation of a law or regulation by another officer to  
11 a supervisor or other person at the law enforcement agency who  
12 has the authority to investigate the violation.

13 (5) Clear and specific guidelines regarding situations in which  
14 officers may or may not draw a firearm or point a firearm at a  
15 person.

16 (6) A requirement that officers consider their surroundings and  
17 potential risks to bystanders, to the extent reasonable under the  
18 circumstances, before discharging a firearm.

19 (7) Procedures for disclosing public records in accordance with  
20 Section 832.7.

21 (8) Procedures for the filing, investigation, and reporting of  
22 citizen complaints regarding use of force incidents.

23 (9) A requirement that an officer intercede when present and  
24 observing another officer using force that is clearly beyond that  
25 which is necessary, as determined by an objectively reasonable  
26 officer under the circumstances, taking into account the possibility  
27 that other officers may have additional information regarding the  
28 threat posed by a subject.

29 (10) Comprehensive and specific guidelines regarding approved  
30 methods and devices available for the application of force.

31 (11) An explicitly stated requirement that officers carry out  
32 duties, including use of force, in a manner that is fair and unbiased.

33 (12) Comprehensive and specific guidelines for the application  
34 of deadly force.

35 (13) Comprehensive and detailed requirements for prompt  
36 internal reporting and notification regarding a use of force incident,  
37 including reporting use of force incidents to the Department of  
38 Justice in compliance with Section 12525.2.

39 (14) The role of supervisors in the review of use of force  
40 applications.

1 (15) A requirement that officers promptly provide, if properly  
2 trained, or otherwise promptly procure medical assistance for  
3 persons injured in a use of force incident, when reasonable and  
4 safe to do so.

5 (16) Training standards and requirements relating to  
6 demonstrated knowledge and understanding of the law enforcement  
7 agency's use of force policy by officers, investigators, and  
8 supervisors.

9 (17) Training and guidelines regarding vulnerable populations,  
10 including, but not limited to, children, elderly persons, people who  
11 are pregnant, and people with physical, mental, and developmental  
12 disabilities.

13 (18) Procedures to prohibit an officer from training other officers  
14 for a period of at least three years from the date that an abuse of  
15 force complaint against the officer is substantiated.

16 (19) A requirement that an officer that has received all required  
17 training on the requirement to intercede and fails to act pursuant  
18 to paragraph (9) be disciplined up to and including in the same  
19 manner as the officer that committed the excessive force.

20 (20) Comprehensive and specific guidelines under which the  
21 discharge of a firearm at or from a moving vehicle may or may  
22 not be permitted.

23 (21) Factors for evaluating and reviewing all use of force  
24 incidents.

25 (22) Minimum training and course titles required to meet the  
26 objectives in the use of force policy.

27 (23) A requirement for the regular review and updating of the  
28 policy to reflect developing practices and procedures.

29 (c) Each law enforcement agency shall make their use of force  
30 policy adopted pursuant to this section accessible to the public.

31 (d) This section does not supersede the collective bargaining  
32 procedures established pursuant to the Myers-Milias-Brown Act  
33 (Chapter 10 (commencing with Section 3500) of Division 4), the  
34 Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512)  
35 of Division 4), or the Higher Education Employer-Employee  
36 Relations Act (Chapter 12 (commencing with Section 3560) of  
37 Division 4).

38 *SEC. 8. Section 8589.11 of the Government Code is amended*  
39 *to read:*

1 8589.11. The office may acquire new or used firefighting  
2 apparatus and equipment for resale to local agencies. If the  
3 apparatus or equipment is in a used condition, the office may  
4 contract with the ~~Prison Industry~~ *California Correctional Training*  
5 *and Rehabilitation* Authority to repair or refurbish the apparatus  
6 or equipment to acceptable fire service standards before resale.  
7 The resale price shall recover the office's cost of acquisition,  
8 repairing, refurbishing, and associated indirect expenses.

9 *SEC. 9. Section 8589.15 of the Government Code is amended*  
10 *to read:*

11 8589.15. The office may contract with the ~~Prison Industry~~  
12 *California Correctional Training and Rehabilitation* Authority to  
13 perform any of the responsibilities or services required or  
14 authorized by this article.

15 *SEC. 10. Section 12838 of the Government Code is amended*  
16 *to read:*

17 12838. (a) There is hereby created in state government the  
18 Department of Corrections and Rehabilitation, to be headed by a  
19 secretary, who shall be appointed by the Governor, subject to  
20 Senate confirmation, and shall serve at the pleasure of the  
21 Governor. The Department of Corrections and Rehabilitation shall  
22 consist of Adult Operations, Adult Programs, Health Care Services,  
23 Juvenile Justice, the Board of Parole Hearings, the Board of  
24 Juvenile Hearings, the State Commission on Juvenile Justice, the  
25 ~~Prison Industry~~ *California Correctional Training and*  
26 *Rehabilitation* Authority, and the ~~Prison Industry~~ *California*  
27 *Correctional Training and Rehabilitation* Board.

28 (b) The Governor, upon recommendation of the secretary, may  
29 appoint three undersecretaries of the Department of Corrections  
30 and Rehabilitation, subject to Senate confirmation. The  
31 undersecretaries shall hold office at the pleasure of the Governor.  
32 One undersecretary shall oversee administration, one  
33 undersecretary shall oversee health care services, and one  
34 undersecretary shall oversee operations for the department.

35 (c) The Governor, upon recommendation of the secretary, shall  
36 appoint a Chief for the Office of Victim Services, and a Chief for  
37 the Office of Correctional Safety, both of whom shall serve at the  
38 pleasure of the Governor.

39 *SEC. 11. Section 12838.6 of the Government Code is amended*  
40 *to read:*

1 12838.6. The following entities shall be continued in existence  
2 within the Department of Corrections and Rehabilitation and shall  
3 retain existing functions, powers, responsibilities, and jurisdiction,  
4 except as expressly provided otherwise: Council on Criminal  
5 Justice and Behavioral Health, ~~Prison Industry California~~  
6 ~~Correctional Training and Rehabilitation Authority, Prison~~  
7 ~~Industry Authority California Correctional Training and~~  
8 ~~Rehabilitation~~ Board, California Council for Interstate Adult  
9 Offender Supervision, and the Joint Venture Policy Advisory  
10 Board. For purposes of this article, these shall be known as  
11 “continuing entities.”

12 *SEC. 12. Section 13332.09 of the Government Code is amended*  
13 *to read:*

14 13332.09. (a) A purchase order or other form of documentation  
15 for acquisition or replacement of motor vehicles shall not be issued  
16 against any appropriation until the Department of General Services  
17 has investigated and established the necessity therefor.

18 (b) A state agency shall not acquire surplus mobile equipment  
19 from any source for program support until the Department of  
20 General Services has investigated and established the necessity  
21 therefor.

22 (c) Notwithstanding any other law, any contract for the  
23 acquisition of a motor vehicle or general use mobile equipment  
24 for a state agency shall be made by or under the supervision of the  
25 Department of General Services. Pursuant to Section 10298 of the  
26 Public Contract Code, the Department of General Services may  
27 collect a fee to offset the cost of the services provided.

28 (d) Any passenger-type motor vehicle purchased for a state  
29 officer, except a constitutional officer, or a state employee shall  
30 be an American-made vehicle of the light class, as defined by the  
31 Department of General Services, unless excepted by the Director  
32 of General Services on the basis of unusual requirements,  
33 including, but not limited to, use by the Department of the  
34 California Highway Patrol, that would justify the need for a motor  
35 vehicle of a heavier class.

36 (e) General use mobile equipment having an original purchase  
37 price of twenty-five thousand dollars (\$25,000) or more shall not  
38 be rented or leased from a nonstate source and payment therefor  
39 shall not be made from any appropriation for the use of the  
40 Department of Transportation, without the prior approval of the



Department of General Services after a determination that comparable state-owned equipment is not available, unless obtaining approval would endanger life or property, in which case the transaction and the justification for not having sought prior approval shall be reported immediately thereafter to the Department of General Services.

(f) For purposes of this section:

(1) “General use mobile equipment” means equipment that is listed in the Mobile Equipment Inventory of the State Equipment Council and capable of being used by more than one state agency, and shall not be deemed to refer to equipment having a practical use limited to the controlling state agency only. Section 575 of the Vehicle Code shall have no application to this section.

(2) “State agency” means a state agency, as defined pursuant to Section 11000. The University of California is requested and encouraged to have the Department of General Services perform the tasks identified in this section with respect to the acquisition or replacement of motor vehicles by the University of California. “State agency” does not include a district agricultural association, as defined in Section 3951 of the Food and Agricultural Code, or the ~~Prison Industry~~ *California Correctional Training and Rehabilitation* Authority as established by Section 2800 of the Penal Code.

*SEC. 13. Section 14612 of the Government Code is amended to read:*

14612. (a) The department shall commit itself to achieve improved levels of performance, as specified in this section, by focusing its efforts on enhancing the value of the services it delivers.

(b) The department shall commit itself to providing both of the following:

(1) Services that the Legislature or Governor requires state agencies to purchase from the department.

(2) Services that state agencies are not required to purchase from the department, but that the department can provide on a cost-competitive basis.

(c) Notwithstanding any other ~~provision of law~~, the director or ~~his or her~~ *the director's* designee, in lieu of the Director of Finance, may approve DGS Form 22 and DGS Form 220, including the extension of time to expend transferred funds, the transfer of funds

1 from one work order to another, and the Return of Funds  
2 Document.

3 (d) Notwithstanding Chapter 3 (commencing with Section  
4 13940) of Part 4, the director or ~~his or her~~ *the director's* designee  
5 may approve "relief from accountability" for debts owed to the  
6 department up to five thousand dollars (\$5,000) when the  
7 department determines it cannot collect the debts or when the cost  
8 of collection exceeds the amount of the debt.

9 (e) Notwithstanding Section 2807 of the Penal Code, the director  
10 or ~~his or her~~ *the director's* designee may procure goods from the  
11 private sector even though the goods may be available from the  
12 ~~Prison—Industry~~ *California Correctional Training and*  
13 *Rehabilitation* Authority, when in ~~his or her~~ *the director's*  
14 discretion, it is cost beneficial to do so and if the director or ~~his or~~  
15 ~~her~~ *the director's* designee continues to include the authority in  
16 soliciting quotations for goods.

17 (f) Notwithstanding subdivision (a) of Section 948 and Section  
18 965, the director or ~~his or her~~ *the director's* designee, in lieu of  
19 the Director of Finance, may certify funds for payment of all legal  
20 settlements and tort claims for which the department already has  
21 sufficient expenditure authority and funds without the need for  
22 augmentation.

23 (g) Notwithstanding Section 965.2, the director or ~~his or her~~ *the*  
24 *director's* designee, in lieu of the Director of Finance, may certify  
25 funds for payment for all legal court settlements for projects funded  
26 from the Architecture Revolving Fund, if a sufficient fund balance  
27 exists in the work order to pay the claim and the payment does not  
28 require a budget augmentation to complete the project.

29 (h) Notwithstanding Section 14957, the director or ~~his or her~~  
30 *the director's* designee, in lieu of the Director of Finance, may  
31 approve the deposit of checks directly into the Architecture  
32 Revolving Fund. The department shall notify the Department of  
33 Finance within 30 days of the date that the department makes such  
34 a deposit.

35 *SEC. 14. Section 20403 of the Government Code is amended*  
36 *to read:*

37 20403. "State safety member" shall also include officers and  
38 employees in (a) the Department of Corrections *and Rehabilitation*  
39 employed to perform the duties now performed in positions with  
40 the following class titles: Deputy Director, Department of

1 ~~Corrections~~; *Corrections and Rehabilitation*; Deputy Director,  
2 Institutions, Camps and Program Services Division; Deputy  
3 Director, Parole and Community Services; Warden; Warden—San  
4 Quentin; Superintendent II and III, Department of ~~Corrections~~;  
5 *Corrections and Rehabilitation*; Deputy Superintendent;  
6 Correctional Administrator; Program Administrator, Correctional  
7 Institution; all classes of Correctional Program Supervisor;  
8 Correctional Captain; Correctional Lieutenant; Correctional  
9 Sergeant; Correctional Officer; all classes of Women’s Correctional  
10 Supervisor; Assistant Deputy Director, Parole and Community  
11 Services; all classes of Parole Administrator, Adult Parole; all  
12 classes of Parole Agent, Adult Parole; Assistant Director,  
13 Investigations and Law Enforcement Liaison; Senior Special  
14 Agent; Special Agent; all classes of Women’s Parole Agent;  
15 Medical Facility Superintendent; Superintendent, California  
16 Institution for Women; all classes of Correctional Counselor; Chief  
17 and Assistant Chief Transportation Officer, (b) the Department of  
18 the Youth Authority employed to perform the duties now  
19 performed in positions with the following class titles: Director,  
20 Department of the Youth Authority; Chief, Division of Parole and  
21 Community Services; Deputy Chief, Division of Parole and  
22 Community Services; Program Administrator, Correctional School;  
23 Assistant Superintendent, Correctional School; all classes of  
24 Superintendent, Correctional School; Youth Authority Camp  
25 Superintendent; Assistant Superintendent, Youth Authority Camp;  
26 Chief, Division of Institutions; Treatment Team Supervisor; all  
27 classes of Transportation Officers, Youth Authority; Security  
28 Officer; all classes of Group Supervisors; all classes of Parole  
29 Agent, Youth Authority; all classes of Youth Counselor; Supervisor  
30 Community Treatment Programs; Correctional Casework Training  
31 Supervisor; Correctional Casework Trainee; all classes of  
32 Correctional Counselor, (c) the Board of Prison Terms employed  
33 to perform duties now performed in positions with the following  
34 class titles: all classes of Parole Agent; all classes of Correctional  
35 Counselor and the Chief of Investigation, (d) the Youthful Offender  
36 Parole Board employed to perform duties now performed in  
37 positions with the following class titles: all classes of Parole Agent,  
38 and (e) the ~~Prison Industry~~ *California Correctional Training and*  
39 *Rehabilitation* Authority employed to perform duties now  
40 performed in positions with the following class titles: ~~General~~

~~Manager; Assistant General Manager, Administration and Marketing Branch; Chief, Industry Implementation Division; and Activation Manager. Director; Deputy Director, Administration; Deputy Director, Marketing; and Deputy Director, Workforce Development.~~

SEC. 15. Section 1180.2 of the Health and Safety Code is amended to read:

1180.2. (a) This section shall apply to the state hospitals operated by the State Department of State Hospitals and facilities operated by the State Department of Developmental Services that utilize seclusion or behavioral restraints.

(b) The State Department of State Hospitals and the State Department of Developmental Services shall develop technical assistance and training programs to support the efforts of facilities described in subdivision (a) to reduce or eliminate the use of seclusion and behavioral restraints in those facilities.

(c) Technical assistance and training programs should be designed with the input of stakeholders, including clients and direct care staff, and should be based on best practices that lead to the avoidance of the use of seclusion and behavioral restraints, including, but not limited to, all of the following:

(1) Conducting an intake assessment that is consistent with facility policies and that includes issues specific to the use of seclusion and behavioral restraints as specified in Section 1180.4.

(2) Utilizing strategies to engage clients collaboratively in assessment, avoidance, and management of crisis situations in order to prevent incidents of the use of seclusion and behavioral restraints.

(3) Recognizing and responding appropriately to underlying reasons for escalating behavior.

(4) Utilizing conflict resolution, effective communication, ~~deescalation~~, *de-escalation*, and client-centered problem solving strategies that diffuse and safely resolve emerging crisis situations.

(5) Individual treatment planning that identifies risk factors, positive early intervention strategies, and strategies to minimize time spent in seclusion or behavioral restraints. Individual treatment planning should include input from the person affected.

(6) While minimizing the duration of time spent in seclusion or behavioral restraints, using strategies to mitigate the emotional and physical discomfort and ensure the safety of the person

involved in seclusion or behavioral restraints, including input from the person about what would alleviate ~~his or her~~ *their* distress.

(7) Training in conducting an effective debriefing meeting as specified in Section 1180.5, including the appropriate persons to involve, the voluntary participation of the person who has been in seclusion or behavioral restraints, and strategic interventions to engage affected persons in the process. The training should include strategies that result in maximum participation and comfort for the involved parties to identify factors that lead to the use of seclusion and behavioral restraints and factors that would reduce the likelihood of future incidents.

(d) (1) The State Department of State Hospitals and the State Department of Developmental Services shall take steps to establish a system of mandatory, consistent, timely, and publicly accessible data collection regarding the use of seclusion and behavioral restraints in facilities described in this section. It is the intent of the Legislature that data be compiled in a manner that allows for standard statistical comparison.

(2) The State Department of State Hospitals and the State Department of Developmental Services shall develop a mechanism for making this information publicly available on the Internet.

(3) Data collected pursuant to this section shall include all of the following:

(A) The number of deaths that occur while persons are in seclusion or behavioral restraints, or where it is reasonable to assume that a death was proximately related to the use of seclusion or behavioral restraints.

(B) The number of serious injuries sustained by persons while in seclusion or subject to behavioral restraints.

(C) The number of serious injuries sustained by staff that occur during the use of seclusion or behavioral restraints.

(D) The number of incidents of seclusion.

(E) The number of incidents of use of behavioral restraints.

(F) The duration of time spent per incident in seclusion.

(G) The duration of time spent per incident subject to behavioral restraints.

(H) The number of times an involuntary emergency medication is used to control behavior, as defined by the State Department of State Hospitals.

(e) A facility described in subdivision (a) shall report each death or serious injury of a person occurring during, or related to, the use of seclusion or behavioral restraints. This report shall be made to the agency designated in subdivision (i) of Section 4900 of the Welfare and Institutions Code no later than the close of the business day following the death or injury. The report shall include the encrypted identifier of the person involved, and the name, street address, and telephone number of the facility.

(f) A facility described in subdivision (a) and that is operated by the State Department of Developmental Services shall not place any individual with a developmental disability in seclusion.

(g) (1) On a monthly basis, a facility described in subdivision (a) that is operated by the State Department of Developmental Services shall report to the protection and advocacy agency described in subdivision (i) of Section 4900 all of the following:

(A) The number of incidents of the use of behavioral restraints and the duration of time spent per incident of restraint.

(B) The number of times an involuntary emergency medication is used to control behavior.

(2) The reports required pursuant to paragraph (1) shall include the name, street address, and telephone number of the facility.

*SEC. 16. Section 1180.4 of the Health and Safety Code is amended to read:*

1180.4. (a) A facility described in subdivision (a) of Section 1180.2 or subdivision (a) of Section 1180.3 shall conduct an initial assessment of each person prior to a placement decision or upon admission to the facility, or as soon thereafter as possible. This assessment shall include input from the person and from someone whom the person desires to be present, such as a family member, significant other, or authorized representative designated by the person, and if the desired third party can be present at the time of admission. This assessment shall also include, based on the information available at the time of initial assessment, all of the following:

(1) A person's advance directive regarding ~~de-escalation~~ *de-escalation* or the use of seclusion or behavioral restraints.

(2) Identification of early warning signs, triggers, and precipitants that cause a person to escalate, and identification of the earliest precipitant of aggression for persons with a known or

1 suspected history of aggressiveness, or persons who are currently  
2 aggressive.

3 (3) Techniques, methods, or tools that would help the person  
4 control the person's behavior.

5 (4) Preexisting medical conditions or any physical disabilities  
6 or limitations that would place the person at greater risk during  
7 restraint or seclusion.

8 (5) Any trauma history, including any history of sexual or  
9 physical abuse that the affected person feels is relevant.

10 (b) A facility described in subdivision (a) of Section 1180.2 or  
11 subdivision (a) of Section 1180.3 may use seclusion or behavioral  
12 restraints for behavioral emergencies only when a person's  
13 behavior presents an imminent danger of serious harm to self or  
14 others.

15 (c) A facility described in subdivision (a) of Section 1180.2 or  
16 subdivision (a) of Section 1180.3 shall not use either of the  
17 following:

18 (1) A physical restraint or containment technique that obstructs  
19 a person's respiratory airway or impairs the person's breathing or  
20 respiratory capacity, including techniques in which a staff member  
21 places pressure on a person's back or places the staff member's  
22 body weight against the person's torso or back.

23 (2) A pillow, blanket, or other item covering the person's face  
24 as part of a physical or mechanical restraint or containment process.

25 (d) A facility described in subdivision (a) of Section 1180.2 or  
26 subdivision (a) of Section 1180.3 shall not use physical or  
27 mechanical restraint or containment on a person who has a known  
28 medical or physical condition and there is reason to believe that  
29 the use would endanger the person's life or seriously exacerbate  
30 the person's medical condition.

31 (e) (1) A facility described in subdivision (a) of Section 1180.2  
32 or subdivision (a) of Section 1180.3 shall not use prone mechanical  
33 restraint on a person at risk for positional asphyxiation as a result  
34 of one of the following risk factors that are known to the provider:

35 (A) Obesity.

36 (B) Pregnancy.

37 (C) Agitated delirium or excited delirium syndromes.

38 (D) Cocaine, methamphetamine, or alcohol intoxication.

39 (E) Exposure to pepper spray.

1 (F) Preexisting heart disease, including, but not limited to, an  
2 enlarged heart or other cardiovascular disorders.

3 (G) Respiratory conditions, including emphysema, bronchitis,  
4 or asthma.

5 (2) Paragraph (1) shall not apply when written authorization  
6 has been provided by a physician, made to accommodate a person's  
7 stated preference for the prone position or because the physician  
8 judges other clinical risks to take precedence. The written  
9 authorization may not be a standing order, and shall be evaluated  
10 on a case-by-case basis by the physician.

11 (f) A facility described in subdivision (a) of Section 1180.2 or  
12 subdivision (a) of Section 1180.3 shall avoid the deliberate use of  
13 prone containment techniques whenever possible, utilizing the  
14 best practices in early intervention techniques, such as ~~de-escalation~~.  
15 *de-escalation*. If prone containment techniques are used in an  
16 emergency situation, a staff member shall observe the person for  
17 any signs of physical duress throughout the use of prone  
18 containment. Whenever possible, the staff member monitoring the  
19 person shall not be involved in restraining the person.

20 (g) A facility described in subdivision (a) of Section 1180.2 or  
21 subdivision (a) of Section 1180.3 shall not place a person in a  
22 facedown position with the person's hands held or restrained  
23 behind the person's back.

24 (h) A facility described in subdivision (a) of Section 1180.2 or  
25 subdivision (a) of Section 1180.3 shall not use physical restraint  
26 or containment as an extended procedure. A facility described in  
27 subdivision (a) of Section 4684.80 or paragraph (1) of subdivision  
28 (a) of Section 4698 of the Welfare and Institutions Code that is  
29 licensed by the State Department of Social Services shall not use  
30 physical restraint or containment for more than 15 consecutive  
31 minutes. The department may, by regulation, authorize an  
32 exception to the 15-minute maximum duration if necessary to  
33 protect the immediate health and safety of residents or others from  
34 risk of imminent serious physical harm and the use of physical  
35 restraint or containment conforms to the facility program plan  
36 approved by the State Department of Developmental Services  
37 pursuant to subdivision (i) of Section 4684.81 or subdivision (d)  
38 of Section 4698, as applicable, of the Welfare and Institutions  
39 Code.



1 (i) A facility described in subdivision (a) of Section 1180.2 or  
2 subdivision (a) of Section 1180.3 shall keep under constant,  
3 face-to-face human observation a person who is in seclusion and  
4 in any type of behavioral restraint at the same time. Observation  
5 by means of video camera may be utilized only in facilities that  
6 are already permitted to use video monitoring under federal  
7 regulations specific to that facility.

8 (j) A facility described in subdivision (a) of Section 1180.2 or  
9 subdivision (a) of Section 1180.3 shall afford to persons who are  
10 restrained the least restrictive alternative and the maximum freedom  
11 of movement, while ensuring the physical safety of the person and  
12 others, and shall use the least number of restraint points.

13 (k) A person in a facility described in subdivision (a) of Section  
14 1180.2 and subdivision (a) of Section 1180.3 has the right to be  
15 free from the use of seclusion and behavioral restraints of any form  
16 imposed as a means of coercion, discipline, convenience, or  
17 retaliation by staff. This right includes, but is not limited to, the  
18 right to be free from the use of a drug used in order to control  
19 behavior or to restrict the person's freedom of movement, if that  
20 drug is not a standard treatment for the person's medical or  
21 psychiatric condition.

22 *SEC. 17. Section 1250.10 of the Health and Safety Code is*  
23 *amended to read:*

24 1250.10. (a) (1) "Psychiatric residential treatment facility"  
25 means a health facility licensed by the State Department of Health  
26 Care Services, that is operated by a public agency or private  
27 nonprofit organization that provides inpatient psychiatric services,  
28 as described in Subpart D (commencing with Section 441.150) of  
29 Title 42 of the Code of Federal Regulations, to individuals under  
30 21 years of age, in a nonhospital setting.

31 (2) Psychiatric residential treatment facilities shall obtain and  
32 maintain certification to provide Medi-Cal inpatient psychiatric  
33 services for individuals under 21 years of age in compliance with  
34 the Centers for Medicare and Medicaid Services requirements.

35 (3) Psychiatric residential treatment facilities shall comply with  
36 applicable utilization control requirements in Part 456 of Title 42  
37 of the Code of Federal Regulations, including, but not limited to,  
38 Subpart D for Mental Hospitals. Psychiatric residential treatment  
39 facilities shall comply with utilization reviews, including, but not  
40 limited to, provisions specific to certification and recertification

1 of need for inpatient care at least every 60 days, length of stay,  
2 continued stay, and length of stay modifications in order to ensure  
3 that patients are transitioned back to the community.

4 (4) The department shall set a statewide bed limit based on an  
5 analysis to ensure that inpatient psychiatric services for individuals  
6 under 21 years of age are available and sufficient in amount,  
7 duration, and scope to reasonably achieve the purpose for which  
8 services are provided. The statewide bed limit shall comply with  
9 state and federal Medicaid requirements. The department shall  
10 notify the Legislature when the total number of beds in licensed  
11 psychiatric residential treatment facilities in the state reaches 250  
12 beds, 500 beds, and 750 beds.

13 (b) Notwithstanding any other law, and to the extent consistent  
14 with federal law, a psychiatric residential treatment facility shall  
15 be eligible to participate in the Medicare program under Title XVIII  
16 of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.),  
17 and the Medicaid program under Title XIX of the federal Social  
18 Security Act (42 U.S.C. Sec. 1396 et seq.), if all of the following  
19 conditions are met:

20 (1) The facility is licensed as a psychiatric residential treatment  
21 facility by the State Department of Health Care Services to provide  
22 inpatient psychiatric services to Medicaid-eligible individuals  
23 under 21 years of age.

24 (2) The facility is in compliance with all applicable state and  
25 federal Medicaid statutes, regulations, and guidance, including,  
26 but not limited to, inpatient initial and continued stay authorization  
27 criteria, individual plan of care requirements, documentation, and  
28 treatment plan review.

29 (3) The facility meets the definition of a psychiatric residential  
30 treatment facility pursuant to Section 483.352 of Title 42 of the  
31 Code of Federal Regulations.

32 (4) The facility provides inpatient psychiatric services to  
33 Medicaid-eligible individuals under 21 years of age in accordance  
34 with the requirements and standards developed by the State  
35 Department of Health Care Services pursuant to the authority in  
36 Section 1905(a)(16) and (h) (42 U.S.C. Sec. 1396d(a)(16) and (h)),  
37 Section 1902(a)(9)(A) (42 U.S.C. Sec. 1396a(a)(9)(A)), which  
38 authorizes the State Department of Health Care Services to  
39 establish and maintain health standards for institutions in which  
40 Medicaid beneficiaries may receive services, and Section 1902

1 (a)(33)(B) (42 U.S.C. Sec. 1396a (a)(33)(B)) of the federal Social  
2 Security Act and the Medicaid State Plan.

3 (5) The facility has a provider agreement with the State  
4 Department of Health Care Services or a mental health plan to  
5 provide the inpatient psychiatric services benefit to  
6 Medicaid-eligible individuals 21 years of age.

7 (6) The facility obtains a certification for participation in the  
8 federal Medicaid program and maintains compliance with the  
9 conditions of participation for psychiatric residential treatment  
10 facilities pursuant to Subpart D of Part 441 and Subpart G of Part  
11 483 of Title 42 of the Code of Federal Regulations.

12 (7) For purposes of the requirements specified in Subpart G of  
13 Part 483 of Title 42 of the Code of Federal Regulations, facility  
14 staff shall have training on engaging in trauma-informed prevention  
15 and ~~de-escalation~~ *de-escalation* interventions with the goal of  
16 reducing seclusion and restraint.

17 (8) The facility maintains accreditation from one of the  
18 following organizations identified in Section 441.151 of Title 42  
19 of the Code of Federal Regulations:

20 (A) Joint Commission on Accreditation of Healthcare  
21 Organizations.

22 (B) The Commission on Accreditation of Rehabilitation  
23 Facilities.

24 (C) The Council on Accreditation of Services for Families and  
25 Children.

26 (D) Any other accrediting organization with comparable  
27 standards recognized by the State Department of Health Care  
28 Services.

29 (9) The facility has guidelines for operation that include, at a  
30 minimum, each of the following:

31 (A) Requirements that all services and programs align to the  
32 trauma-informed care standards.

33 (B) Length of stay to be determined by medical necessity for  
34 the duration of time needed to stabilize, treat, and transition the  
35 patient to a less restrictive setting consistent with the patient  
36 individual plan of care.

37 (C) Requirements that patients are connected to a continuum  
38 of care and services to promote healing and step down to  
39 community-based care in facility plans of operation, along with  
40 the identification of strategies, treatment, services, and supports

1 that the facility will employ to connect the youth and their families  
2 to community-based services and to step down the youth to  
3 family-based care.

4 (D) The implementation of an individual plan of care that is all  
5 of the following:

6 (i) Developed and implemented no later than 72 hours after  
7 admission.

8 (ii) Designed to achieve the patient's discharge from inpatient  
9 status, step-down service, at the earliest possible time or as a  
10 diversion to admittance to a psychiatric hospital.

11 (iii) The individual plan of care shall be based on a diagnostic  
12 evaluation that is developed by a treatment team in consultation  
13 with the patient and their parents, legal guardians, or others into  
14 whose care they will be released after discharge, and include  
15 discharge plans and after-care resources such as community  
16 services to ensure continuity of care with the patient's family,  
17 school, and community upon discharge.

18 (c) The facility shall annually, by July 1 of each year, provide  
19 the State Department of Health Care Services with all of the  
20 following data:

21 (1) Total number of patients admitted, including the number of  
22 Medi-Cal beneficiaries and the number of patients under the  
23 jurisdiction of the juvenile court.

24 (2) Age, race or ethnicity, and gender of patients served, and,  
25 if available, sexual orientation and gender identity or expression  
26 of patients.

27 (3) Duration of stay of each patient and the average and median  
28 lengths of stay for patients under the jurisdiction of the juvenile  
29 court and separately for those not subject to juvenile court  
30 jurisdiction.

31 (4) For each patient, the type of placement the patient was in  
32 prior to admission, if any, the services and interventions provided  
33 to the patient prior to address the patient's crisis needs, if any, and  
34 the number of prior hospitalizations, if any.

35 (5) Professional classification of staff and contracted staff.

36 (6) For each patient, the type of placement the client was  
37 discharged to.

38 (7) The types of community-based services provided to patients  
39 during their stay to facilitate their transition back into the  
40 community, if any, including a breakdown of services provided

1 to patients under the jurisdiction of the juvenile court and separately  
2 for those not subject to juvenile court jurisdiction.

3 (8) Postdischarge plans and after care resources, including the  
4 type and intensity of mental health services, provided upon  
5 discharge.

6 (9) The number of patients subjected to restraint, the number  
7 of times each patient was subjected to restraint, and the types and  
8 duration of restraint.

9 (10) The facility's policies regarding patient rules of conduct,  
10 behavioral incentives and discipline, and procedures for notifying  
11 patients of their rights.

12 (11) A copy of the patient's rights and facility complaint  
13 procedures provided to each patient upon admission.

14 (d) The State Department of Health Care Services and the State  
15 Department of Social Services shall, by January 1 of each year,  
16 provide to the Senate and Assembly Committees on Health, Human  
17 Services, and Judiciary with a report summarizing the information  
18 provided under subdivision (c) including, at a minimum:

19 (1) For each facility, all of the following:

20 (A) The total number of patients admitted, including the number  
21 of Medi-Cal beneficiaries and the number of patients under the  
22 jurisdiction of the juvenile court.

23 (B) The age, race or ethnicity, and gender of patients served,  
24 and, if available, sexual orientation and gender identity or  
25 expression of patients served.

26 (C) The average and median lengths of stay at the facility.

27 (D) Professional classifications of staff and contracted staff.

28 (E) The types of placements patients were discharged to.

29 (F) The types of community-based services provided to patients  
30 during their stay to facilitate their transition back into the  
31 community, if any, including a breakdown of services provided  
32 to patients under the jurisdiction of the juvenile court and separately  
33 for those not subject to juvenile court jurisdiction.

34 (G) The number of patients subjected to restraint, the number  
35 of times each patient was subjected to restraint, and the types and  
36 duration of restraint.

37 (H) The number of patients who had previously been admitted  
38 to the same or a different psychiatric residential facility.

39 (2) On a statewide basis, all of the following:

1 (A) (i) The total number of patients admitted to psychiatric  
2 residential facilities, including the number of Medi-Cal  
3 beneficiaries and the number of patients under the jurisdiction of  
4 the juvenile court.

5 (ii) The total number of patients admitted to psychiatric  
6 residential facilities, including the number of Medi-Cal  
7 beneficiaries and the number of patients under the jurisdiction of  
8 the juvenile court, from each county. For purposes of this clause,  
9 “from each county” refers to the county where the patient resided  
10 prior to admission to the facility.

11 (B) (i) The age, race or ethnicity, and gender of patients served,  
12 and, if available, the gender expression of patients served.

13 (ii) The age, race or ethnicity, and gender of patients served,  
14 and, if available, sexual orientation and gender identity or  
15 expression of patients served from each county. For purposes of  
16 this clause, “from each county” refers to the county where the  
17 patient resided prior to admission to the facility.

18 (C) The average and median lengths of stay.

19 (D) The types of placements patients were discharged to.

20 (E) The number of patients subjected to restraint, the number  
21 of times each patient was subjected to restraint, and the types and  
22 duration of restraint.

23 (F) The number of patients who had previously been admitted  
24 to the same or a different psychiatric residential treatment facility.

25 (G) (i) The number of intensive services foster care homes,  
26 enhanced intensive services foster care homes, other family-based  
27 treatment settings, and other less-restrictive placement settings  
28 available by county.

29 (ii) For the purposes of this data collection, “family-based  
30 treatment setting” means a licensed home-like setting to serve a  
31 child’s, minor’s, or youth’s behavioral health needs. These  
32 family-based treatment settings may utilize a range of applicable  
33 license types, so long as they provide enhanced care and  
34 supervision in a home-like setting, meet all requirements pursuant  
35 to their respective license type, and provide an integrated  
36 behavioral health treatment as an alternative to, or stepdown from,  
37 psychiatric residential facilities and short-term residential  
38 therapeutic programs.

39 (e) (1) The State Department of Health Care Services shall, in  
40 consultation with the State Department of Social Services, the

1 County Behavioral Health Directors Association of California,  
2 provider representatives, children's rights advocates, disability  
3 rights advocates, and other relevant stakeholders, establish  
4 regulations for psychiatric residential treatment facilities. At a  
5 minimum, the regulations shall include all of the following:

6 (A) Therapeutic programming shall be provided seven days per  
7 week, including weekends and holidays, with sufficient mental  
8 health professional and paraprofessional staff to maintain an  
9 appropriate treatment setting and services, based on individual  
10 client's needs.

11 (B) The established number of beds in the facility shall be  
12 consistent with the individual treatment needs of the clients served  
13 at the facility and shall meet the requirements developed pursuant  
14 to subdivision (u) of Section 4081 of the Welfare and Institutions  
15 Code. At least 50 percent of the beds shall be in single-occupancy  
16 rooms.

17 (C) (i) The length of stay shall be consistent with the individual  
18 plan of care developed by the interdisciplinary team.

19 (ii) In the case of non-Medi-Cal beneficiaries, reauthorizations  
20 for admission shall be obtained using the process established by  
21 the entity providing coverage.

22 (D) The length of stay shall be consistent with the individual  
23 plan of care developed by the interdisciplinary team. If a  
24 determination is made by a health care professional that a  
25 psychiatric residential treatment facility is medically necessary  
26 and is the appropriate level of care, reauthorization for admission  
27 shall be obtained using the process established by the entity  
28 providing coverage.

29 (E) For voluntary admission of any minor patient subject to the  
30 jurisdiction of the juvenile court, the facility shall obtain court  
31 authorization for the admission pursuant to Section 361.23 or  
32 727.13, as applicable, and Section 6552 of the Welfare and  
33 Institutions Code. Whenever consent for admission of a patient  
34 who is subject to the jurisdiction of the juvenile court is revoked,  
35 the facility shall immediately contact the county child welfare  
36 agency or probation department, as applicable, to arrange for the  
37 patient's discharge.

38 (F) Facilities shall include ample physical space for  
39 accommodating individuals who provide daily emotional and  
40 physical support to each client and for integrating family members

1 into the day-to-day care of the youth. The facility shall provide  
2 patients with at least one hour per day of outdoor exercise or other  
3 time spent outside, weather permitting.

4 (G) The facility shall collaborate with each client's existing  
5 mental health team, if applicable, child and family team, as defined  
6 by paragraph (4) of subdivision (a) of Section 16501 of the Welfare  
7 and Institutions Code, if the patient is an Indian child, as defined  
8 in subdivisions (a) and (b) of Section 224.1 of the Welfare and  
9 Institutions Code, who is under the jurisdiction of the juvenile  
10 court, the child's tribe, if applicable, and other support persons or  
11 providers identified by the child or parents within three business  
12 days of intake and throughout the course of care and treatment, as  
13 appropriate.

14 (H) The facility shall provide information, upon request, to the  
15 county child welfare agency or county probation department to  
16 assist the county with its implementation of the patient's aftercare  
17 plan for transitioning each admitted child from the program.

18 (I) The patient's rights provisions contained in Sections 5325,  
19 5325.1, 5325.2, and 5326 of the Welfare and Institutions Code  
20 shall be available to any patient admitted to, or eligible for  
21 admission to, the facility. Every patient shall have a right to a  
22 hearing by writ of habeas corpus, within two judicial days of the  
23 filing of a petition for the writ of habeas corpus with the superior  
24 court of the county in which the facility is located, for their release.  
25 Regulations adopted pursuant to this section shall specify the  
26 procedures by which this right shall be ensured. These regulations  
27 shall generally be consistent with the procedures contained in  
28 Article 5 (commencing with Section 5275) of Chapter 2 of Part 1  
29 of Division 5 of the Welfare and Institutions Code concerning  
30 habeas corpus for individuals, including children, subject to various  
31 involuntary holds.

32 (J) The facility shall establish and implement an individual plan  
33 of care within 72 hours of the patient's admission that is designed  
34 to achieve the patient's discharge from inpatient status, step-down  
35 service, at the earliest possible time. The individual plan of care  
36 shall be based on a diagnostic evaluation that is developed by a  
37 treatment team in consultation with the patient and their parents,  
38 legal guardians, or others in whose care they will be released after  
39 discharge and include discharge plans and after-care resources  
40 such as community services to ensure continuity of care with the



patient's family, school, and community upon discharge. The plan of care shall be updated at least every 10 days, or more frequently if warranted by the patient's change in acuity. For patients who are under the jurisdiction of the juvenile court, the patient's social worker or probation officer and, for Indian children, as defined by subdivisions (a) and (b) of Section 224.1 of the Welfare and Institutions Code, the child's tribe shall be included in the consultation by the treatment team.

(K) Guidelines for the use of physical restraints and seclusion providing protections and safeguards in addition to the requirements in Subpart G (commencing with Section 483.350) of Title 42 of the Code of Federal Regulations. If a patient under the jurisdiction of the juvenile court under Section 300 or 602 of the Welfare and Institutions Code has been restrained or secluded, the facility shall notify the patient's counsel, social worker, or probation officer, as applicable, the patient's tribe if the patient is an Indian child, as defined in subdivisions (a) and (b) of Section 224.1 of the Welfare and Institutions Code, and, except in cases in which parental rights or a legal guardianship has been terminated, the patient's parent, legal guardian, or Indian custodian.

(2) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may implement, interpret, or make specific the provisions applicable to psychiatric residential treatment facilities in this chapter, Division 1.5 (commencing with Section 1180) of this code, and Chapter 1 (commencing with Section 11000) of Part 3 of Division 9 of the Welfare and Institutions Code, in whole or in part, by means of plan or county letters, information notices, plan or provider bulletins, or other similar instructions, until regulations are adopted no later than December 31, 2027.

(f) On or before June 1, 2027, the secretary or their designee, in consultation with the State Department of Social Services, shall report to the Legislature on the use of psychiatric residential treatment facilities in the state. The report shall include evaluation metrics assessing the efficacy of facilities in treating the mental health of individuals under 21 years of age, including analyses of individuals under 21 years of age within and without the jurisdiction of the juvenile court and by age, race or ethnicity, and

1 sexual orientation and gender identity, and shall be submitted in  
2 compliance with Section 9795 of the Government Code.

3 (g) Information released or published pursuant to this section  
4 shall not contain data that may lead to the identification of patients  
5 receiving services in a psychiatric residential treatment facility or  
6 information that would otherwise allow an individual to link the  
7 published information to a specific person. Data published by the  
8 department shall be deidentified in compliance with Section  
9 164.514(a) and (b) of Title 45 of the Code of Federal Regulations.

10 *SEC. 18. Section 1522.41 of the Health and Safety Code is*  
11 *amended to read:*

12 1522.41. (a) (1) The department, in consultation and  
13 collaboration with county placement officials, group home provider  
14 organizations, the Director of Health Care Services, and the  
15 Director of Developmental Services, shall develop and establish  
16 an administrator certification training program to ensure that  
17 administrators of group homes have appropriate training to provide  
18 the care and services for which a license or certificate is issued.

19 (2) The department shall develop and establish an administrator  
20 certification training program to ensure that administrators of  
21 short-term residential therapeutic programs have appropriate  
22 training to provide the care and services for which a license or  
23 certificate is issued.

24 (b) (1) In addition to any other requirements or qualifications  
25 required by the department, an administrator of a group home or  
26 short-term residential therapeutic program shall successfully  
27 complete a department-approved administrator certification training  
28 program, pursuant to subdivision (c), prior to employment.

29 (2) If an individual is both the licensee and the administrator of  
30 a licensed facility, the individual shall comply with all of the  
31 licensee and administrator requirements of this section.

32 (3) Failure to comply with this section shall constitute cause for  
33 revocation of the license of the facility.

34 (4) The licensee shall notify the department within 10 days of  
35 any change in administrators.

36 (c) (1) An administrator certification training program for group  
37 homes shall require a minimum of 40 hours of instruction  
38 conducive to learning, in which participants are able to  
39 simultaneously interact with each other as well as with the

1 instructor, and that provides training on a uniform core of  
2 knowledge in each of the following areas:

3 (A) Laws, regulations, and policies and procedural standards  
4 that impact the operations of a group home.

5 (B) Business operations.

6 (C) Management and supervision of staff.

7 (D) Psychosocial and educational needs of the children,  
8 including, but not limited to, the information described in  
9 subdivision (d) of Section 16501.4 of the Welfare and Institutions  
10 Code.

11 (E) Community and support services.

12 (F) Physical needs of the children.

13 (G) Assistance with self-administration, storage, misuse, and  
14 interaction of medication used by the children.

15 (H) Resident admission, retention, and assessment procedures,  
16 including the right of a foster child to have fair and equal access  
17 to all available services, placement, care, treatment, and benefits,  
18 and to not be subjected to discrimination or harassment on the  
19 basis of actual or perceived race, ethnic group identification,  
20 ancestry, national origin, color, religion, sex, sexual orientation,  
21 gender identity, mental or physical disability, or HIV status.

22 (I) Instruction on cultural competency and sensitivity and related  
23 best practices for providing adequate care for children across  
24 diverse ethnic and racial backgrounds, as well as children  
25 identifying as lesbian, gay, bisexual, or transgender.

26 (J) Nonviolent emergency intervention and reporting  
27 requirements.

28 (K) Basic instruction on existing laws and procedures regarding  
29 the safety of foster youth at school and ensuring of a harassment-  
30 and violence-free school environment.

31 (L) The information described in subdivision (i) of Section  
32 16521.5 of the Welfare and Institutions Code. The program may  
33 use the curriculum created pursuant to subdivision (h), and  
34 described in subdivision (i), of Section 16521.5 of the Welfare and  
35 Institutions Code.

36 (2) An administrator certification training program for short-term  
37 residential therapeutic programs shall require a minimum of 40  
38 hours of instruction conducive to learning, in which participants  
39 are able to simultaneously interact with each other as well as with

1 the instructor, and that provides training on a uniform core of  
2 knowledge in each of the following areas:

3 (A) Laws, regulations, and policies and procedural standards  
4 that impact the operations of a short-term residential therapeutic  
5 program.

6 (B) Business operations and management and supervision of  
7 staff, including staff training.

8 (C) Physical and psychosocial needs of the children, including  
9 behavior management, de-escalation techniques, and trauma  
10 informed crisis management planning.

11 (D) Permanence, well-being, and educational needs of the  
12 children.

13 (E) Community and support services, including accessing local  
14 behavioral and mental health supports and interventions, substance  
15 use disorder treatments, and culturally relevant services, as  
16 appropriate.

17 (F) Understanding the requirements and best practices regarding  
18 psychotropic medications, including, but not limited to, court  
19 authorization, uses, benefits, side effects, interactions, assistance  
20 with self-administration, misuse, documentation, storage, and  
21 metabolic monitoring of children prescribed psychotropic  
22 medications.

23 (G) Admission, retention, and assessment procedures, including  
24 the right of a foster child to have fair and equal access to all  
25 available services, placement, care, treatment, and benefits, and  
26 to not be subjected to discrimination or harassment on the basis  
27 of actual or perceived race, ethnic group identification, ancestry,  
28 national origin, color, religion, sex, sexual orientation, gender  
29 identity, mental or physical disability, or HIV status.

30 (H) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
31 et seq.), its historical significance, the rights of children covered  
32 by the act, and the best interests of Indian children as including  
33 culturally appropriate, child-centered practices that respect Native  
34 American history, culture, retention of tribal membership, and  
35 connection to the tribal community and traditions.

36 (I) Instruction on cultural competency and sensitivity and related  
37 best practices for providing adequate care for children across  
38 diverse ethnic and racial backgrounds, as well as children  
39 identifying as lesbian, gay, bisexual, or transgender.

1 (J) Nonviolent emergency intervention and reporting  
2 requirements.

3 (K) Basic instruction on existing laws and procedures regarding  
4 the safety of foster youth at school and ensuring of a harassment-  
5 and violence-free school environment.

6 (L) The information described in subdivision (i) of Section  
7 16521.5 of the Welfare and Institutions Code. The program may  
8 use the curriculum created pursuant to subdivision (h), and  
9 described in subdivision (i), of Section 16521.5 of the Welfare and  
10 Institutions Code.

11 (d) A group home administrator who possesses a group home  
12 license, issued by the department, is exempt from completing an  
13 approved administrator certification training program and taking  
14 an examination, provided the individual completes 12 hours of  
15 instruction conducive to learning, in which participants are able  
16 to simultaneously interact with each other as well as with the  
17 instructor, in the following uniform core of knowledge areas:

18 (1) Laws, regulations, and policies and procedural standards  
19 that impact the operations of a short-term residential therapeutic  
20 program.

21 (2) (A) Authorization, uses, benefits, side effects, interactions,  
22 assistance with self-administration, misuse, documentation, and  
23 storage of medications.

24 (B) Metabolic monitoring of children prescribed psychotropic  
25 medications.

26 (3) Admission, retention, and assessment procedures, including  
27 the right of a foster child to have fair and equal access to all  
28 available services, placement, care, treatment, and benefits, and  
29 to not be subjected to discrimination or harassment on the basis  
30 of actual or perceived race, ethnic group identification, ancestry,  
31 national origin, color, religion, sex, sexual orientation, gender  
32 identity, mental or physical disability, or HIV status.

33 (4) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
34 et seq.), its historical significance, the rights of children covered  
35 by the act, and the best interests of Indian children as including  
36 culturally appropriate, child-centered practices that respect Native  
37 American history, culture, retention of tribal membership, and  
38 connection to the tribal community and traditions.

39 (5) Instruction on cultural competency and sensitivity and related  
40 best practices for providing adequate care for children across

1 diverse ethnic and racial backgrounds, as well as children  
2 identifying as lesbian, gay, bisexual, or transgender.

3 (6) Physical and psychosocial needs of children, including  
4 behavior management, ~~de-escalation~~ *de-escalation* techniques, and  
5 trauma informed crisis management planning.

6 (e) Individuals applying for administrator certification under  
7 this section shall successfully complete an approved administrator  
8 certification training program, pass an examination administered  
9 by the department within 60 days of completing the program,  
10 submit to the department an administrator certification application,  
11 and submit to the department the documentation required by  
12 subdivision (f) within 30 days after being notified of having passed  
13 the examination. The department may extend these time deadlines  
14 for good cause. The department shall notify the applicant of their  
15 examination results within 30 days of administering the  
16 examination.

17 (f) The department shall not begin the process of issuing an  
18 administrator certificate until receipt of all of the following:

19 (1) An administrator certification application.

20 (2) A certificate of completion of the administrator certification  
21 training program required pursuant to this section.

22 (3) The fee for processing an administrator certification  
23 application, including the issuance of the administrator certificate,  
24 as specified in subparagraph (A) of paragraph (1) of subdivision  
25 (l).

26 (4) Documentation that the applicant has passed the examination.

27 (5) Submission of fingerprints pursuant to Section 1522. The  
28 department may waive the submission for those persons who have  
29 a current criminal record clearance or exemption on file.

30 (6) Proof that the person is at least 21 years of age.

31 (g) It is unlawful for a person not certified under this section to  
32 hold themselves out as a certified administrator of a group home  
33 or short-term residential therapeutic program. A person willfully  
34 making a false representation as being a certified administrator or  
35 facility manager is guilty of a misdemeanor.

36 (h) (1) Administrator certificates issued under this section shall  
37 be renewed every two years and renewal shall be conditional upon  
38 the certificate holder submitting documentation of completion of  
39 40 hours of continuing education related to the uniform core of  
40 knowledge specified in subdivision (c). No more than one-half of

1 the required 40 hours of continuing education necessary to renew  
 2 the certificate may be satisfied through self-paced courses. All  
 3 other continuing education hours shall be completed in an  
 4 instructional setting conducive to learning, in which participants  
 5 are able to simultaneously interact with each other as well as with  
 6 the instructor. For purposes of this section, an individual who is a  
 7 group home or short-term residential therapeutic program  
 8 administrator and who is required to complete the continuing  
 9 education hours required by the regulations of the State Department  
 10 of Developmental Services, and approved by the regional center,  
 11 may have up to 24 of the required continuing education course  
 12 hours credited toward the 40-hour continuing education  
 13 requirement of this section. The department shall accept for  
 14 certification, community college course hours approved by the  
 15 regional centers.

16 (2) Every administrator of a group home or short-term residential  
 17 therapeutic program shall complete the continuing education  
 18 requirements described in this subdivision.

19 (3) An administrator certificate issued under this section shall  
 20 expire every two years on the anniversary date of the initial  
 21 issuance of the certificate, except that an administrator receiving  
 22 an initial certification on or after July 1, 1999, shall make an  
 23 irrevocable election to have their recertification date for a  
 24 subsequent recertification either on the date two years from the  
 25 date of issuance of the certificate or on the individual's birthday  
 26 during the second calendar year following certification. The  
 27 department shall send a renewal notice to the certificate holder 90  
 28 days prior to the expiration date of the certificate. If the certificate  
 29 is not renewed prior to its expiration date, reinstatement shall be  
 30 permitted only after the certificate holder has paid a delinquency  
 31 fee, as specified in subparagraph (C) of paragraph (1) of  
 32 subdivision (I), has submitted to the department an administrator  
 33 certification renewal application, and has provided evidence of  
 34 completion of the continuing education required.

35 (4) To renew an administrator certificate, the certificate holder  
 36 shall, on or before the certificate expiration date, submit to the  
 37 department an administrator certification renewal application and  
 38 documentation of completion of the required continuing education  
 39 courses and pay the renewal fee, as specified in subparagraph (A)  
 40 of paragraph (1) of subdivision (I), irrespective of receipt of the

1 department's notification of the renewal. A renewal request  
2 postmarked on or before the expiration of the certificate shall be  
3 proof of compliance with this paragraph.

4 (5) A suspended or revoked administrator certificate shall be  
5 subject to expiration as provided for in this section. If reinstatement  
6 of the certificate is approved by the department, the certificate  
7 holder, as a condition precedent to reinstatement, shall submit  
8 proof of compliance with paragraphs (1) and (2) of this subdivision,  
9 and shall pay a fee in an amount equal to the renewal fee, plus the  
10 delinquency fee, if any, as specified in subparagraphs (A) and (C)  
11 of paragraph (1) of subdivision (I), accrued at the time of its  
12 revocation or suspension. Delinquency fees, if any, accrued  
13 subsequent to the time of its revocation or suspension and prior to  
14 an order for reinstatement, shall be waived for a period of 12  
15 months to allow the individual sufficient time to complete the  
16 required continuing education units and to submit the required  
17 documentation. Individuals whose certificates will expire within  
18 90 days after the order for reinstatement may be granted a  
19 three-month extension to renew their certificates during which  
20 time the delinquency fees shall not accrue.

21 (6) An administrator certificate that is not renewed within four  
22 years after its expiration shall not be renewed, restored, reissued,  
23 or reinstated except upon completion of an administrator  
24 certification training program, passing any examination that may  
25 be required of an applicant for a new certificate at that time, and  
26 paying the fee specified in subparagraph (A) of paragraph (1) of  
27 subdivision (I).

28 (7) The department shall charge a fee for the reissuance of a  
29 lost administrator certificate, as specified in subparagraph (B) of  
30 paragraph (1) of subdivision (I).

31 (8) A certificate holder shall inform the department of their  
32 employment status and change of mailing address within 30 days  
33 of any change.

34 (i) Unless otherwise ordered by the department, an administrator  
35 certificate shall be considered forfeited under either of the  
36 following conditions:

37 (1) The administrator has had a license revoked, suspended, or  
38 denied as authorized under Section 1550.

39 (2) The department has issued an exclusion order against the  
40 administrator pursuant to Section 1558, 1568.092, 1569.58, or



1 1596.8897, after the department issued the certificate, and the  
2 administrator did not appeal the exclusion order or, after the appeal,  
3 the department issued a decision and order that upheld the  
4 exclusion order.

5 (j) (1) The department, in consultation and collaboration with  
6 county placement officials, provider organizations, the State  
7 Department of Health Care Services, and the State Department of  
8 Developmental Services, shall establish, by regulation, the program  
9 content, the testing instrument, the process for approving  
10 administrator certification training programs, and criteria to be  
11 used in authorizing individuals, organizations, or educational  
12 institutions as vendors to conduct administrator certification  
13 training programs and continuing education courses. The  
14 department may also grant continuing education hours for courses  
15 offered by accredited educational institutions that are consistent  
16 with the requirements in this section. The department may deny  
17 vendor approval to any agency or person in any of the following  
18 circumstances:

19 (A) The applicant has not provided the department with evidence  
20 satisfactory to the department of the ability of the applicant to  
21 satisfy the requirements of vendorization set out in the regulations  
22 adopted by the department.

23 (B) The applicant person or agency has a conflict of interest in  
24 that the person or agency places its clients in group homes or  
25 short-term residential therapeutic programs.

26 (C) The applicant public or private agency has a conflict of  
27 interest in that the agency is mandated to place clients in group  
28 homes or short-term residential therapeutic programs and to pay  
29 directly for the services. The department may deny vendorization  
30 to this type of agency only as long as there are other vendor  
31 programs available to conduct the administrator certification  
32 training programs and continuing education courses.

33 (2) The department may authorize vendors to conduct  
34 administrator certification training programs and continuing  
35 education courses pursuant to this section. The department shall  
36 conduct the examination pursuant to regulations adopted by the  
37 department.

38 (3) The department shall prepare and maintain an updated list  
39 of approved training vendors.

1 (4) The department may inspect administrator certification  
2 training programs and continuing education courses, including  
3 online courses, at no charge to the department, to determine if  
4 content and teaching methods comply with this section and  
5 applicable regulations. If the department determines that any  
6 vendor is not complying with the requirements of this section, the  
7 department shall take appropriate action to bring the program into  
8 compliance, which may include removing the vendor from the  
9 approved training vendors list.

10 (5) The department shall establish reasonable procedures and  
11 timeframes, not to exceed 30 days, for the approval of vendor  
12 training programs.

13 (6) The department shall charge a fee for an administrator  
14 certification training program vendor application or renewal, as  
15 specified in subparagraph (A) of paragraph (3) of subdivision (I).

16 (7) (A) A vendor of a self-paced online course shall ensure that  
17 each course contains all of the following:

18 (i) An interactive portion in which the participant receives  
19 feedback, through online communication, based on input from the  
20 participant.

21 (ii) Required use of a personal identification number or personal  
22 identification information to confirm the identity of the participant.

23 (iii) A final screen displaying a printable statement, to be signed  
24 by the participant, certifying that the identified participant  
25 completed the course. The vendor shall obtain a copy of the final  
26 screen statement with the original signature of the participant prior  
27 to the issuance of a certificate of completion. The signed statement  
28 of completion shall be maintained by the vendor for a period of  
29 three years and be available to the department upon demand. A  
30 person who certifies as true any material matter pursuant to this  
31 clause that the person knows to be false is guilty of a misdemeanor.

32 (B) This subdivision does not prohibit the department from  
33 approving online programs that do not meet the requirements of  
34 subparagraph (A) if the vendor demonstrates to the department's  
35 satisfaction that, through advanced technology, the course and the  
36 course delivery meet the requirements of this section.

37 (8) The department shall charge a fee for processing a continuing  
38 education training program vendor application or renewal, as  
39 specified in subparagraph (B) of paragraph (3) of subdivision (I).

1 (9) The department shall charge a fee for processing a continuing  
2 education course, as specified in paragraph (4) of subdivision (I).

3 (k) The department shall establish a registry for certificate  
4 holders that shall include, at a minimum, information on  
5 employment status and criminal record clearance.

6 (I) The department shall charge nonrefundable fees, as follows:

7 (1) Commencing July 1, 2021, the fee amount in subparagraph  
8 (A) shall be incrementally increased by 10 percent each year, not  
9 to exceed 40 percent, over a four-year period. The current fee  
10 specified in subparagraph (A) shall be the base for each yearly  
11 increase, which shall be effective July 1 of each year.

12 (A) The fee for processing an administrator certification  
13 application or renewal, including the issuance of the administrator  
14 certificate, is one hundred dollars (\$100).

15 (B) The fee for the reissuance of a lost administrator certificate  
16 is twenty-five dollars (\$25).

17 (C) The delinquency fee for processing a late administrator  
18 certification renewal application is three hundred dollars (\$300),  
19 which shall be charged in addition to the fee specified in  
20 subparagraph (A).

21 (2) Commencing July 1, 2021, the fee for the administrator  
22 certification examination is one hundred dollars (\$100), for up to  
23 three attempts.

24 (3) Commencing July 1, 2021, fee amounts in subparagraphs  
25 (A) and (B) shall be incrementally increased by 10 percent each  
26 year, not to exceed 40 percent, over a four-year period. The current  
27 fee specified in subparagraphs (A) and (B) shall be the base for  
28 each yearly increase and each increase shall be effective July 1 of  
29 each year.

30 (A) The fee for processing an administrator certification training  
31 program vendor application or renewal is one hundred fifty dollars  
32 (\$150) for each licensed facility type.

33 (B) The fee for processing a continuing education training  
34 program vendor application or renewal is one hundred dollars  
35 (\$100) for each licensed facility type.

36 (4) Commencing July 1, 2021, the fee for processing a  
37 continuing education course is ten dollars (\$10) per continuing  
38 education unit for each licensed facility type.

39 (5) Notwithstanding paragraphs (1) to (4), inclusive, a fee  
40 charged pursuant to this subdivision shall not exceed the reasonable

1 costs to the department of conducting the certification training  
2 program.

3 (m) Notwithstanding any law to the contrary, a vendor approved  
4 by the department who exclusively provides continuing education  
5 courses for administrators of a group home or short-term residential  
6 therapeutic program, as defined in Section 1502, shall be regulated  
7 solely by the department pursuant to this chapter. No other state  
8 or local governmental entity shall be responsible for regulating  
9 the activity of those vendors.

10 *SEC. 19. Section 1562.01 of the Health and Safety Code is*  
11 *amended to read:*

12 1562.01. (a) The department shall license short-term residential  
13 therapeutic programs, as defined in paragraph (18) of subdivision  
14 (a) of Section 1502, pursuant to this chapter. A short-term  
15 residential therapeutic program shall comply with all requirements  
16 of this chapter that are applicable to group homes and to the  
17 requirements of this section.

18 (b) (1) A short-term residential therapeutic program shall have  
19 national accreditation from an entity identified by the department  
20 pursuant to the process described in paragraph (6) of subdivision  
21 (b) of Section 11462 of the Welfare and Institutions Code.

22 (2) A short-term residential therapeutic program applicant shall  
23 submit documentation of accreditation or application for  
24 accreditation with its application for licensure.

25 (3) A short-term residential therapeutic program shall have up  
26 to 24 months from the date of licensure to obtain accreditation.

27 (4) A short-term residential therapeutic program shall provide  
28 documentation to the department reporting its accreditation status  
29 at 12 months and at 18 months after the date of licensure.

30 (5) This subdivision does not preclude the department from  
31 requesting additional information from the short-term residential  
32 therapeutic program regarding its accreditation status.

33 (6) The department may revoke a short-term residential  
34 therapeutic program's license pursuant to Article 5 (commencing  
35 with Section 1550) for failure to obtain accreditation within the  
36 timeframes specified in this subdivision.

37 (c) (1) A short-term residential therapeutic program shall have  
38 up to 12 months from the date of licensure to obtain in good  
39 standing a mental health program approval and Medi-Cal mental

1 health certification, as set forth in Sections 4096.5 and 11462.01  
2 of the Welfare and Institutions Code.

3 (2) A short-term residential therapeutic program shall maintain  
4 the program approval described in paragraph (1) in good standing  
5 during its licensure.

6 (3) The department shall track the number of licensed short-term  
7 residential therapeutic programs that were unable to obtain a mental  
8 health program approval and provide that information to the  
9 Legislature annually as part of the state budget process.

10 (d) (1) A short-term residential therapeutic program shall  
11 prepare and maintain a current, written plan of operation as required  
12 by the department.

13 (2) The plan of operation shall include, but not be limited to,  
14 all of the following:

15 (A) A statement of purposes and goals.

16 (B) A plan for the supervision, evaluation, and training of staff,  
17 designed to ensure the provision of trauma-informed services. The  
18 plan shall be appropriate to meet the needs of staff and children.

19 (C) A program statement that includes all of the following:

20 (i) On and after October 1, 2021, a description of how the  
21 short-term residential therapeutic program will meet standards, to  
22 be established by the department in collaboration with the State  
23 Department of Health Care Services, for both of the following:

24 (I) A comprehensive trauma-informed treatment model designed  
25 to address the individualized needs of children.

26 (II) A plan for how the short-term residential therapeutic  
27 program will make licensed nursing staff available, as set forth in  
28 subdivision (n).

29 (ii) Description of the short-term residential therapeutic  
30 program's ability to support the individual needs of children and  
31 their families with short-term, specialized, trauma-informed, and  
32 intensive treatment, including, but not limited to, treatment that  
33 implements child-specific short- and long-term needs and goals  
34 identified by the qualified individual's assessment of the child  
35 pursuant to subdivision (g) of Section 4096 of the Welfare and  
36 Institutions Code.

37 (iii) Description of the core services, as set forth in paragraph  
38 (1) of subdivision (b) of Section 11462 of the Welfare and  
39 Institutions Code, to be offered to children and their families, as  
40 appropriate or necessary.

(iv) Procedures for the development, implementation, and periodic updating of the needs and services plan for children served by the short-term residential therapeutic program and procedures for collaborating with the child and family team described in paragraph (4) of subdivision (a) of Section 16501 of the Welfare and Institutions Code, that include, but are not limited to, a description of the services to be provided or arranged to meet the short- and long-term needs and goals of the child as assessed by the qualified individual, pursuant to Sections 4096 and 11462.01 of the Welfare and Institutions Code, processes to ensure treatment is consistent with the short- and long-term needs and goals for the child, including, as specified in the child's permanency plan, the anticipated duration of the treatment, and processes to ensure that consistent progress is made toward the timeframe and plan for transitioning the child to a less restrictive family environment.

(v) A description of the population or populations to be served.

(vi) A description of compliance with the requirements in subdivision (c). A short-term residential therapeutic program that has not satisfied the requirements in subdivision (c) shall demonstrate the ability to meet the mental health service needs of children.

(vii) (I) A description of how the short-term residential therapeutic program, in accordance with the child's case plan and the child and family team recommendations, will provide for, arrange for the provision of, or assist in, all of the following:

(ia) Identification of home-based family care settings for a child who does not have a home-based caregiver identified for transition and pursuant to clause (viii).

(ib) Development of an individualized family-based aftercare support plan that identifies necessary supports, services, and treatment to be provided for at least six months postdischarge as a child moves from their short-term residential therapeutic program placement to home-based family care setting or to a permanent living situation through reunification, adoption, or guardianship, or to a transitional housing program. This plan shall be developed, pursuant to Section 4096.6 of the Welfare and Institutions Code, in collaboration with the county placing agency, the child and family team, and other necessary agencies or individuals for at least six months postdischarge. Federal financial participation under the Medi-Cal program shall only be available if all state and

1 federal requirements are met and the treatment is medically  
2 necessary, regardless of the six months postdischarge requirement.

3 (ic) Documentation of the process by which the short- and  
4 long-term, child-specific mental health goals identified by a  
5 qualified individual, as defined in Section 16501 of the Welfare  
6 and Institutions Code, pursuant to subdivision (g) of Section 4096  
7 of the Welfare and institutions Code, will be implemented by the  
8 short-term residential therapeutic program.

9 (II) This clause shall not be interpreted to supersede the  
10 placement and care responsibility vested in the county child welfare  
11 agency or probation department.

12 (viii) (I) On and after October 1, 2021, a description of how  
13 the short-term residential therapeutic program will, to the extent  
14 clinically appropriate, consistent with any applicable court orders,  
15 and in accordance with the child's best interest, do all of the  
16 following:

17 (ia) Facilitate participation of family members in the child's  
18 treatment program.

19 (ib) Facilitate outreach to the family members of the child,  
20 including siblings, document how the outreach is made, including  
21 contact information, and maintain contact information for any  
22 known biological family and nonrelative extended family members  
23 of the child.

24 (ic) Document how family members will be integrated into the  
25 treatment process for the child, including postdischarge, and how  
26 sibling connections are maintained.

27 (II) This clause shall not be interpreted to supersede the  
28 placement and care responsibility vested in the county child welfare  
29 agency or probation department.

30 (ix) Any other information that may be prescribed by the  
31 department for the proper administration of this section.

32 (e) In addition to the rules and regulations adopted pursuant to  
33 this chapter, a county licensed to operate a short-term residential  
34 therapeutic program shall describe, in the plan of operation, its  
35 conflict of interest mitigation plan, as set forth in subdivision (g)  
36 of Section 11462.02 of the Welfare and Institutions Code.

37 (f) (1) (A) (i) A short-term residential therapeutic program  
38 applicant shall submit an application to the department that includes  
39 a letter of recommendation in support of its program from a county  
40 placing agency.

1 (ii) The letter of recommendation shall include a statement that  
2 the county placing agency reviewed a copy of the applicant's  
3 program statement.

4 (iii) If the letter of recommendation is not from the county in  
5 which the facility is located, the short-term residential therapeutic  
6 program applicant shall include, with its application, a statement  
7 that it provided the county in which the facility is located an  
8 opportunity for that county to review the program statement and  
9 notified that county that the facility has received a letter of  
10 recommendation from another county.

11 (B) If the application does not contain a letter of  
12 recommendation as described in subparagraph (A), then the  
13 department shall cease review of the application. Nothing in this  
14 paragraph shall constitute a denial of the application for purposes  
15 of Section 1526 or any other law.

16 (C) A new letter of recommendation is not required when a  
17 short-term residential therapeutic program moves locations.

18 (2) A short-term residential therapeutic program shall submit a  
19 copy of its program statement to all county placing agencies from  
20 which the short-term residential therapeutic program accepts  
21 placements, including the county in which the facility is located,  
22 for optional review when the short-term residential therapeutic  
23 program updates its program statement.

24 (g) (1) The department shall adopt regulations to establish  
25 requirements for the education, qualification, and training of facility  
26 managers and staff who provide care and supervision to children  
27 or who have regular, direct contact with children in the course of  
28 their responsibilities in short-term residential therapeutic programs  
29 consistent with the intended role of these facilities to provide  
30 short-term, specialized, and intensive treatment.

31 (2) Requirements shall include, but not be limited to, all of the  
32 following:

33 (A) Staff classifications.

34 (B) Specification of the date by which employees shall be  
35 required to meet the education and qualification requirements.

36 (C) Any other requirements that may be prescribed by the  
37 department for the proper administration of this section.

38 (h) The department shall adopt regulations to specify training  
39 requirements for staff who provide care and supervision to children  
40 or who have regular, direct contact with children in the course of



1 their responsibilities. These requirements shall include both of the  
2 following:

3 (1) Timeframes for completion of training, including the  
4 following:

5 (A) Training that shall be completed prior to unsupervised care  
6 of children.

7 (B) Training to be completed within the first 180 days of  
8 employment.

9 (C) Training to be completed annually.

10 (2) Topics to be covered in the training shall include, but are  
11 not limited to, the following:

12 (A) Child and adolescent development, including sexual  
13 orientation, gender identity, and gender expression.

14 (B) The effects of trauma, including grief and loss, and child  
15 abuse and neglect on child development and behavior and methods  
16 to behaviorally support children impacted by that trauma or child  
17 abuse and neglect.

18 (C) The rights of a child in foster care, including the right to  
19 have fair and equal access to all available services, placement,  
20 care, treatment, and benefits, and to not be subjected to  
21 discrimination or harassment on the basis of actual or perceived  
22 race, ethnic group identification, ancestry, national origin, color,  
23 religion, sex, sexual orientation, gender identity, mental or physical  
24 disability, or HIV status.

25 (D) Positive discipline and the importance of self-esteem.

26 (E) Core practice model.

27 (F) An overview of the child welfare and probation systems.

28 (G) Reasonable and prudent parent standard.

29 (H) Instruction on cultural competency and sensitivity and  
30 related best practices for providing adequate care for children  
31 across diverse ethnic and racial backgrounds, as well as children  
32 identifying as lesbian, gay, bisexual, or transgender.

33 (I) Awareness and identification of commercial sexual  
34 exploitation and best practices for providing care and supervision  
35 to commercially sexually exploited children.

36 (J) The federal Indian Child Welfare Act of 1978 (25 U.S.C.  
37 Sec. 1901 et seq.), its historical significance, the rights of children  
38 covered by the act, and the best interests of Indian children,  
39 including the role of the caregiver in supporting culturally  
40 appropriate, child-centered practices that respect Native American

1 history, culture, retention of tribal membership, and connection to  
2 the tribal community and traditions.

3 (K) Permanence, well-being, and educational needs of children.

4 (L) Basic instruction on existing laws and procedures regarding  
5 the safety of foster youth at school; and ensuring a harassment and  
6 violence free school environment.

7 (M) Best practices for providing care and supervision to  
8 nonminor dependents.

9 (N) Health issues in foster care.

10 (O) Physical and psychosocial needs of children, including  
11 behavior management, ~~deescalation~~ *de-escalation* techniques, and  
12 trauma-informed crisis management planning.

13 (i) (1) Each person employed as a facility manager or staff  
14 member of a short-term residential therapeutic program, who  
15 provides direct care and supervision to children and youth residing  
16 in the short-term residential therapeutic program shall be at least  
17 21 years of age.

18 (2) This subdivision shall not apply to a facility manager or staff  
19 member employed, before October 1, 2014, at a short-term  
20 residential therapeutic program that was operating under a group  
21 home license prior to January 1, 2017.

22 (j) Notwithstanding any other section of this chapter, the  
23 department may establish requirements for licensed group homes  
24 that are transitioning to short-term residential therapeutic programs,  
25 which may include, but not be limited to, requirements related to  
26 application and plan of operation.

27 (k) A short-term residential therapeutic program shall have a  
28 qualified and certified administrator, as set forth in Section  
29 1522.41.

30 (l) A short-term residential therapeutic program shall provide  
31 trauma-informed support and transition services to foster youth as  
32 part of a planned or unplanned discharge. This shall include  
33 participation in any county-level or state-level meetings pursuant  
34 to Section 16521.6 of the Welfare and Institutions Code with the  
35 goal of placement preservation whenever possible or, if necessary,  
36 identifying and working with alternative short-term residential  
37 therapeutic programs or other providers to directly transition the  
38 youth.

39 (m) The department shall have the authority to inspect a  
40 short-term residential therapeutic program pursuant to the system

1 of governmental monitoring and oversight developed by the  
2 department pursuant to subdivision (c) of Section 11462 of the  
3 Welfare and Institutions Code.

4 (n) (1) On and after October 1, 2021, a short-term residential  
5 therapeutic program shall ensure the availability of licensed nursing  
6 staff, which may include the nursing resources established pursuant  
7 to Section 4096.55 of the Welfare and Institutions Code.

8 (2) Nursing staff shall be onsite according to the treatment model  
9 of the short-term residential therapeutic program and as otherwise  
10 required by the needs of any child residing in the facility.

11 (3) Nursing staff shall be available 24 hours a day, 7 days a  
12 week, and shall provide care within the scope of their practice.

13 (4) If a child who is placed in a short-term residential therapeutic  
14 program by a county placing agency requires regular onsite nursing  
15 care and does not require inpatient care in a licensed health facility,  
16 the short-term residential therapeutic program shall provide the  
17 nursing care consistent with their treatment model, or shall partner  
18 with the county placing agency to arrange for the nursing care to  
19 be provided.

20 (5) The department, in consultation with the State Department  
21 of Health Care Services, county agencies, providers, and other  
22 stakeholders, shall develop guidance to implement this subdivision.

23 (o) The short-term residential therapeutic program shall maintain  
24 the interagency placement committee's written determination and  
25 the qualified individual's assessment of the child, required to be  
26 completed and provided to the short-term residential therapeutic  
27 program pursuant to subdivisions (f) and (g) of Section 4096 of  
28 the Welfare and Institutions Code, in the child's record.

29 (p) The short-term residential therapeutic program shall engage  
30 with the county placing agency in placement preservation strategies  
31 pursuant to Section 16010.7 of the Welfare and Institutions Code,  
32 as applicable. Nothing in this subdivision shall be interpreted to  
33 supersede the placement and care responsibility vested in the  
34 county placing agency or their responsibilities under Section  
35 16010.7 of the Welfare and Institution Code.

36 (q) (1) The department shall adopt regulations to implement  
37 this section, collaborating with the State Department of Health  
38 Care Services, as necessary, to ensure alignment with mental health  
39 program approval requirements, as described in Section 4096.5 of  
40 the Welfare and Institutions Code.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of interim licensing standards until regulations are adopted. These interim licensing standards shall have the same force and effect as regulations until the adoption of regulations.

*SEC. 20. Section 1563 of the Health and Safety Code is amended to read:*

1563. (a) The department shall ensure that licensing personnel at the department have appropriate training to properly carry out this chapter.

(b) The department shall institute a staff development and training program to develop among departmental staff the knowledge and understanding necessary to successfully carry out this chapter. Specifically, the program shall do all of the following:

(1) Provide staff with 36 hours of training per year that reflects the needs of persons served by community care facilities. This training shall, where appropriate, include specialized instruction in the needs of foster children, persons with mental disorders, or developmental or physical disabilities, or other groups served by specialized community care facilities.

(2) Give priority to applications for employment from persons with experience as care providers to persons served by community care facilities.

(3) Provide new staff with comprehensive training within the first six months of employment. This comprehensive training shall, at a minimum, include the following core areas: administrative action process, client populations, conducting facility visits, cultural awareness, documentation skills, facility operations, human relation skills, interviewing techniques, investigation processes, and regulation administration.

(c) In addition to the requirements in subdivision (b), group home, short-term residential therapeutic program, and foster family agency licensing personnel shall receive a minimum of 24 hours of training per year to increase their understanding of children in group homes, short-term residential therapeutic programs, certified homes, and foster family homes. The training shall cover, but not be limited to, all of the following topics:

1 (1) The types and characteristics of emotionally troubled  
2 children.

3 (2) The high-risk behaviors they exhibit.

4 (3) The biological, psychological, interpersonal, and social  
5 contributors to these behaviors.

6 (4) The range of management and treatment interventions  
7 utilized for these children, including, but not limited to, nonviolent,  
8 emergency intervention techniques.

9 (5) The right of a foster child to have fair and equal access to  
10 all available services, placement, care, treatment, and benefits, and  
11 to not be subjected to discrimination or harassment on the basis  
12 of actual or perceived race, ethnic group identification, ancestry,  
13 national origin, color, religion, sex, sexual orientation, gender  
14 identity, mental or physical disability, or HIV status.

15 (d) The training described in subdivisions (b) and (c) may  
16 include the following topics:

17 (1) An overview of the child protective and probation systems.

18 (2) The effects of trauma, including grief and loss, and child  
19 abuse or neglect on child development and behavior, and methods  
20 to behaviorally support children impacted by that trauma or child  
21 abuse and neglect.

22 (3) Positive discipline and the importance of self-esteem.

23 (4) Health issues in foster care, including, but not limited to,  
24 the authorization, uses, risks, benefits, assistance with  
25 self-administration, oversight, and monitoring of psychotropic  
26 medications, and trauma, mental health, and substance use disorder  
27 treatments for children in foster care under the jurisdiction of the  
28 juvenile court, including how to access those treatments.

29 (5) Accessing the services and supports available to foster  
30 children to address educational needs, physical, mental, and  
31 behavioral health, substance use disorders, and culturally relevant  
32 services.

33 (6) Instruction on cultural competency and sensitivity and related  
34 best practices for, providing adequate care for children across  
35 diverse ethnic and racial backgrounds, as well as for children  
36 identifying as lesbian, gay, bisexual, and transgender.

37 (7) Understanding how to use best practices for providing care  
38 and supervision to commercially sexually exploited children.

39 (8) Understanding the federal Indian Child Welfare Act (25  
40 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of

1 children covered by the act, and the best interests of Indian  
2 children, including the role of the caregiver in supporting culturally  
3 appropriate, child-centered practices that respect Native American  
4 history, culture, retention of tribal membership, and connection to  
5 the tribal community and traditions.

6 (9) Understanding how to use best practices for providing care  
7 and supervision to nonminor dependents.

8 (10) Understanding how to use best practices for providing care  
9 and supervision to children with special health care needs.

10 (11) Basic instruction on existing laws and procedures regarding  
11 the safety of foster youth at school; and ensuring a harassment and  
12 violence free school environment pursuant to Article 3.6  
13 (commencing with Section 32228) of Chapter 2 of Part 19 of  
14 Division 1 of Title 1 of the Education Code.

15 (12) Permanence, well-being, and educational needs of children.

16 (13) Child and adolescent development, including sexual  
17 orientation, gender identity, and gender expression.

18 (14) The role of foster parents, including working cooperatively  
19 with the child welfare or probation agency, the child's family, and  
20 other service providers implementing the case plan.

21 (15) A foster parent's responsibility to act as a reasonable and  
22 prudent parent, and to provide a family setting that promotes  
23 normal childhood experiences that serve the needs of the child.

24 (16) Physical and psychosocial needs of children, including  
25 behavior management, ~~de-escalation~~ *de-escalation* techniques, and  
26 trauma informed crisis management planning.

27 *SEC. 21. Section 127825 of the Health and Safety Code is*  
28 *amended to read:*

29 127825. (a) As a component of the Children and Youth  
30 Behavioral Health Initiative established pursuant to Chapter 2  
31 (commencing with Section 5961) of Part 7 of Division 5 of the  
32 Welfare and Institutions Code, the office is hereby authorized to  
33 award competitive grants to entities and individuals it deems  
34 qualified to expand the supply of behavioral health counselors,  
35 coaches, peer supports, and other allied health care providers  
36 serving children and youth, including those at schoolsites.

37 (b) For the purposes of this chapter, "behavioral health coach"  
38 means a new category of behavioral health provider trained  
39 specifically to help address the unmet mental health and substance  
40 use needs of children and youth. Recognizing that unmet mental

1 health and substance use needs create learning barriers, behavioral  
2 health coaches shall engage and support children and youth in  
3 cultural, linguistic, and age-appropriate services, with the ability  
4 to refer and link to higher levels of care, as needed. As members  
5 of a care team, behavioral health professionals serving as a coach  
6 receive appropriate supervision from licensed staff. Training and  
7 qualifications include, but are not limited to, psychoeducation,  
8 system navigation, crisis—~~deescalation~~, *de-escalation*, safety  
9 planning, coping skills, and motivational interviewing.

10 *SEC. 22. Section 6401.8 of the Labor Code is amended to read:*

11 6401.8. (a) The standards board, no later than July 1, 2016,  
12 shall adopt standards developed by the division that require a  
13 hospital licensed pursuant to subdivision (a), (b), or (f) of Section  
14 1250 of the Health and Safety Code, except as exempted by  
15 subdivision (e), to adopt a workplace violence prevention plan as  
16 a part of its injury and illness prevention plan to protect health care  
17 workers and other facility personnel from aggressive and violent  
18 behavior.

19 (b) The standards adopted pursuant to subdivision (a) shall  
20 include all of the following:

21 (1) A requirement that the workplace violence prevention plan  
22 be in effect at all times in all patient care units, including inpatient  
23 and outpatient settings and clinics on the hospital's license.

24 (2) A definition of workplace violence that includes, but is not  
25 limited to, both of the following:

26 (A) The use of physical force against a hospital employee by a  
27 patient or a person accompanying a patient that results in, or has  
28 a high likelihood of resulting in, injury, psychological trauma, or  
29 stress, regardless of whether the employee sustains an injury.

30 (B) An incident involving the use of a firearm or other dangerous  
31 weapon, regardless of whether the employee sustains an injury.

32 (3) A requirement that a workplace violence prevention plan  
33 include, but not be limited to, all of the following:

34 (A) Personnel education and training policies that require all  
35 health care workers who provide direct care to patients to, at least  
36 annually, receive education and training that is designed to provide  
37 an opportunity for interactive questions and answers with a person  
38 knowledgeable about the workplace violence prevention plan. The  
39 education and training shall cover topics that include, but are not  
40 limited to, the following topics:

- 1 (i) How to recognize potential for violence, and when and how  
2 to seek assistance to prevent or respond to violence.
- 3 (ii) How to report violent incidents to law enforcement.
- 4 (iii) Any resources available to employees for coping with  
5 incidents of violence, including, but not limited to, critical incident  
6 stress debriefing or employee assistance programs.
- 7 (B) A system for responding to, and investigating violent  
8 incidents and situations involving violence or the risk of violence.
- 9 (C) A system to, at least annually, assess and improve upon  
10 factors that may contribute to, or help prevent workplace violence,  
11 including, but not limited to, the following factors:
  - 12 (i) Staffing, including staffing patterns and patient classification  
13 systems that contribute to, or are insufficient to address, the risk  
14 of violence.
  - 15 (ii) Sufficiency of security systems, including alarms, emergency  
16 response, and security personnel availability.
  - 17 (iii) Job design, equipment, and facilities.
  - 18 (iv) Security risks associated with specific units, areas of the  
19 facility with uncontrolled access, late-night or early morning shifts,  
20 and employee security in areas surrounding the facility such as  
21 employee parking areas.
- 22 (4) A requirement that all workplace violence prevention plans  
23 be developed in conjunction with affected employees, including  
24 their recognized collective bargaining agents, if any.
- 25 (5) A requirement that all temporary personnel be oriented to  
26 the workplace violence prevention plan.
- 27 (6) Provisions prohibiting hospitals from disallowing an  
28 employee from, or taking punitive or retaliatory action against an  
29 employee for, seeking assistance and intervention from local  
30 emergency services or law enforcement when a violent incident  
31 occurs.
- 32 (7) A requirement that hospitals document, and retain for a  
33 period of five years, a written record of any violent incident against  
34 a hospital employee, regardless of whether the employee sustains  
35 an injury, and regardless of whether the report is made by the  
36 employee who is the subject of the violent incident or any other  
37 employee.
- 38 (8) A requirement that a hospital report violent incidents to the  
39 division. If the incident results in injury, involves the use of a  
40 firearm or other dangerous weapon, or presents an urgent or



1 emergent threat to the welfare, health, or safety of hospital  
2 personnel, the hospital shall report the incident to the division  
3 within 24 hours. All other incidents of violence shall be reported  
4 to the division within 72 hours.

5 (c) The standards board shall, by March 1, 2027, amend the  
6 standards adopted pursuant to subdivision (a) to include all of the  
7 following:

8 (1) (A) A requirement that a hospital implement a weapons  
9 detection screening policy that requires the use of weapons  
10 detection devices that automatically screen a person's body, as  
11 described in clause (iii), at the hospital's main public entrance, at  
12 the entrance to the hospital's emergency department, and at the  
13 hospital's labor and delivery entrance if separately accessible to  
14 the public.

15 (i) For purposes of this paragraph, a weapons detection screening  
16 policy shall include security mechanisms, devices, or technology  
17 designed to screen and identify instruments capable of inflicting  
18 death or serious bodily injury.

19 (ii) The use of handheld metal detector wands, while they may  
20 be used in connection with other weapons detection devices, may  
21 not be the sole equipment used. This clause does not apply to the  
22 following:

23 (I) Small and rural hospitals.

24 (II) Entrances with existing spacing limitations where the use  
25 of a weapons detection device other than a handheld metal detector  
26 wand would result in a violation of the standards in Title 24 of the  
27 California Code of Regulations.

28 (III) Hospitals that exclusively provide extended hospital care  
29 to patients with complex medical and rehabilitative needs, such  
30 as hospitals that are currently federally certified as long-term care  
31 hospitals or inpatient rehabilitation facilities.

32 (iii) The standards board shall define the list of applicable  
33 security mechanisms, devices, or technologies that meet the  
34 standard in this subparagraph.

35 (B) For purposes of this paragraph, the following definitions  
36 shall apply:

37 (i) "Main public entrance" means a singular entrance, as  
38 designated by the hospital, that serves as the primary point of  
39 access that patients and visitors use to enter the main hospital  
40 building.

1 (ii) “Small and rural hospital” has the same meaning as in  
2 subdivision (d) of Section 130076 of the Health and Safety Code  
3 for purposes of the Small and Rural Hospital Relief Program.

4 (C) The requirement described in this paragraph may not apply  
5 to the ambulance entrance.

6 (2) (A) A requirement that a hospital assign appropriate  
7 personnel, other than a health care provider, who meet training  
8 standards described in subparagraph (C), to implement the weapon  
9 detection screening policy, including the monitoring and operation  
10 of the weapons detection devices at each specified public entrance  
11 at all times the entrance is open to the public.

12 (B) A “health care provider” includes any health care  
13 professional licensed under Division 2 (commencing with Section  
14 500) of the Business and Professions Code.

15 (C) (i) A hospital shall implement training for personnel  
16 responsible for implementing the weapons detection screening  
17 policy that includes a minimum of eight hours of training on all  
18 of the following:

19 (I) The hospital’s policies and procedures on how to respond if  
20 a dangerous weapon is detected at the point of screening.

21 (II) How to operate the hospital’s weapons detection devices.

22 (III) ~~Deescalation.~~ *De-escalation.*

23 (IV) Implicit bias.

24 (ii) A hospital shall determine how the training described in this  
25 subparagraph is satisfied. The training topics described in clause  
26 (i) may be satisfied individually and on separate occasions or  
27 through one comprehensive training course, provided that the total  
28 amount of training received meets the minimum amount of time  
29 required in this subparagraph.

30 (D) No one other than trained personnel who have completed  
31 the requirements in subparagraph (C) shall search personal  
32 belongings at any hospital entrance or confiscate weapons if the  
33 hospital’s policies include weapons confiscation by trained  
34 personnel.

35 (3) (A) A provision permitting a hospital to exclude current  
36 hospital employees or health care providers who enter a hospital  
37 wearing an identification badge bearing their name and title from  
38 undergoing weapons detection screening as described in  
39 subparagraph (A) of paragraph (1) of this subdivision.

1 (B) A requirement that the weapons detection screening policy  
2 include reasonable protocols addressing how the hospital will  
3 respond if a dangerous weapon is detected and reasonable protocols  
4 for alternative search and screening for patients, family, or visitors  
5 who refuse to undergo weapons detection device screening.

6 (C) If an individual triggers the weapons detection device, the  
7 individual shall have the right to leave the facility with the object  
8 and the right to return without the object and without being denied  
9 entry to the facility solely for the reason of previously possessing  
10 the detected object.

11 (4) A requirement that a hospital post, in a conspicuous location  
12 in a size and manner determined by the standards board, within  
13 reasonable proximity of any public entrances where weapons  
14 detection devices are utilized, a notice advising the public that the  
15 hospital conducts screenings for weapons upon entry but that no  
16 person shall be refused medical care, pursuant to the federal  
17 Emergency Medical Treatment and Active Labor Act (EMTALA).

18 (5) The division shall set an effective date that is no longer than  
19 90 days after the standard is adopted for hospitals to comply with  
20 the requirements of this subdivision.

21 (d) By January 1, 2017, and annually thereafter, the division,  
22 in a manner that protects patient and employee confidentiality,  
23 shall post a report on its internet website containing information  
24 regarding violent incidents at hospitals, that includes, but is not  
25 limited to, the total number of reports, and which specific hospitals  
26 filed reports, pursuant to paragraph (8) of subdivision (b), the  
27 outcome of any related inspection or investigation, the citations  
28 levied against a hospital based on a violent incident, and  
29 recommendations of the division on the prevention of violent  
30 incidents at hospitals.

31 (e) This section shall not apply to a hospital operated by the  
32 State Department of State Hospitals, the State Department of  
33 Developmental Services, or the Department of Corrections and  
34 Rehabilitation.

35 (f) This section does not limit the authority of the standards  
36 board to adopt standards to protect employees from workplace  
37 violence. Nothing in this section shall be interpreted to preclude  
38 the standards board from adopting standards that require other  
39 employers, including, but not limited to, employers exempted from  
40 this section by subdivision (e), to adopt plans to protect employees

1 from workplace violence. Nothing in this section shall be  
2 interpreted to preclude the standards board from adopting standards  
3 that require an employer subject to this section, or any other  
4 employer, to adopt a workplace violence prevention plan that  
5 includes elements or requirements additional to, or broader in  
6 scope than, those described in this section.

7 *SEC. 23. Section 311.2 of the Penal Code is amended to read:*

8 311.2. (a) Every person who knowingly sends or causes to be  
9 sent, or brings or causes to be brought, into this state for sale or  
10 distribution, or in this state possesses, prepares, publishes,  
11 produces, or prints, with intent to distribute or to exhibit to others,  
12 or who offers to distribute, distributes, or exhibits to others, any  
13 obscene matter is for a first offense, guilty of a misdemeanor. If  
14 the person has previously been convicted of any violation of this  
15 section, the court may, in addition to the punishment authorized  
16 in Section 311.9, impose a fine not exceeding fifty thousand dollars  
17 (\$50,000).

18 (b) Every person who knowingly sends or causes to be sent, or  
19 brings or causes to be brought, into this state for sale or distribution,  
20 or in this state possesses, prepares, publishes, produces, develops,  
21 duplicates, or prints any representation of information, data, or  
22 image, including, but not limited to, any film, filmstrip, photograph,  
23 negative, slide, photocopy, videotape, video laser disc, computer  
24 hardware, computer software, computer floppy disc, data storage  
25 media, CD-ROM, or computer-generated equipment or any other  
26 computer-generated image that contains or incorporates in any  
27 manner, any film, filmstrip, or any digitally altered or  
28 artificial-intelligence-generated matter, with intent to distribute or  
29 to exhibit to, or to exchange with, others for commercial  
30 consideration, or who offers to distribute, distributes, or exhibits  
31 to, or exchanges with, others for commercial consideration, any  
32 obscene matter, knowing that the matter depicts a person under  
33 18 years of age personally engaging in or personally simulating  
34 sexual conduct, as defined in Section 311.4, or that it contains a  
35 digitally altered or artificial-intelligence-generated depiction of  
36 what appears to be a person under 18 years of age engaging in  
37 such conduct, is guilty of a felony and shall be punished by  
38 imprisonment in the state prison for two, three, or six years, or by  
39 a fine not exceeding one hundred thousand dollars (\$100,000), in

1 the absence of a finding that the defendant would be incapable of  
2 paying that fine, or by both that fine and imprisonment.

3 (c) (1) Every person who knowingly sends or causes to be sent,  
4 or brings or causes to be brought, into this state for sale or  
5 distribution, or in this state possesses, prepares, publishes,  
6 produces, develops, duplicates, or prints any representation of  
7 information, data, or image, including, but not limited to, any film,  
8 filmstrip, photograph, negative, slide, photocopy, videotape, video  
9 laser disc, computer hardware, computer software, computer floppy  
10 disc, data storage media, CD-ROM, or computer-generated  
11 equipment or any other computer-generated image that contains  
12 or incorporates in any manner, any film, filmstrip, or any digitally  
13 altered or artificial-intelligence-generated matter, with intent to  
14 distribute or exhibit to, or to exchange with, a person 18 years of  
15 age or older, or who offers to distribute, distributes, or exhibits to,  
16 or exchanges with, a person 18 years of age or older any matter,  
17 knowing that the matter depicts a person under 18 years of age  
18 personally engaging in or personally simulating sexual conduct,  
19 as defined in Section 311.4, or any obscene matter that contains a  
20 digitally altered or artificial-intelligence-generated depiction of  
21 what appears to be a person under 18 years of age engaging in  
22 such conduct, shall be punished by imprisonment in the county  
23 jail for up to one year, or by a fine not exceeding two thousand  
24 dollars (\$2,000), or by both that fine and imprisonment, or by  
25 imprisonment in the state prison. If a person has been previously  
26 convicted of a violation of this subdivision, they are guilty of a  
27 felony.

28 (2) It is not necessary to prove commercial consideration in  
29 order to establish a violation of this subdivision.

30 (3) It is not necessary to prove that matter that depicts a real  
31 person under 18 years of age is obscene or lacks serious literary,  
32 artistic, political, or scientific value in order to establish a violation  
33 of this subdivision.

34 (d) (1) Every person who knowingly sends or causes to be sent,  
35 or brings or causes to be brought, into this state for sale or  
36 distribution, or in this state possesses, prepares, publishes,  
37 produces, develops, duplicates, or prints any representation of  
38 information, data, or image, including, but not limited to, any film,  
39 filmstrip, photograph, negative, slide, photocopy, videotape, video  
40 laser disc, computer hardware, computer software, computer floppy

1 disc, data storage media, CD-ROM, or computer-generated  
2 equipment or any other computer-generated image that contains  
3 or incorporates in any manner any film, filmstrip, or any digitally  
4 altered or artificial-intelligence-generated matter, with intent to  
5 distribute or exhibit to, or to exchange with, a person under 18  
6 years of age, or who offers to distribute, distributes, or exhibits to,  
7 or exchanges with, a person under 18 years of age any matter,  
8 knowing that the matter depicts a person under 18 years of age  
9 personally engaging in or personally simulating sexual conduct,  
10 as defined in Section 311.4, or any obscene matter that contains a  
11 digitally altered or artificial-intelligence-generated depiction of  
12 what appears to be a person under 18 years of age engaging in  
13 such conduct, is guilty of a felony.

14 (2) It is not necessary to prove commercial consideration in  
15 order to establish a violation of this subdivision.

16 (3) It is not necessary to prove that matter that depicts a real  
17 person under 18 years of age is obscene or lacks serious literary,  
18 artistic, political, or scientific value in order to establish a violation  
19 of this subdivision.

20 (e) Subdivisions (a) to (d), inclusive, do not apply to the  
21 activities of law enforcement and prosecuting agencies in the  
22 investigation and prosecution of criminal offenses, to legitimate  
23 medical, scientific, or educational activities, or to lawful conduct  
24 between spouses.

25 (f) This section does not apply to matter that depicts a legally  
26 emancipated child under 18 years of age or to lawful conduct  
27 between spouses when one or both are under 18 years of age.

28 (g) It does not constitute a violation of this section for a  
29 telephone corporation, as defined by Section 234 of the Public  
30 Utilities Code, to carry or transmit messages described in this  
31 chapter or to perform related activities in providing telephone  
32 services.

33 *SEC. 24. Section 835a of the Penal Code is amended to read:*

34 835a. (a) The Legislature finds and declares all of the  
35 following:

36 (1) That the authority to use physical force, conferred on peace  
37 officers by this section, is a serious responsibility that shall be  
38 exercised judiciously and with respect for human rights and dignity  
39 and for the sanctity of every human life. The Legislature further

1 finds and declares that every person has a right to be free from  
2 excessive use of force by officers acting under color of law.

3 (2) As set forth below, it is the intent of the Legislature that  
4 peace officers use deadly force only when necessary in defense of  
5 human life. In determining whether deadly force is necessary,  
6 officers shall evaluate each situation in light of the particular  
7 circumstances of each case, and shall use other available resources  
8 and techniques if reasonably safe and feasible to an objectively  
9 reasonable officer.

10 (3) That the decision by a peace officer to use force shall be  
11 evaluated carefully and thoroughly, in a manner that reflects the  
12 gravity of that authority and the serious consequences of the use  
13 of force by peace officers, in order to ensure that officers use force  
14 consistent with law and agency policies.

15 (4) That the decision by a peace officer to use force shall be  
16 evaluated from the perspective of a reasonable officer in the same  
17 situation, based on the totality of the circumstances known to or  
18 perceived by the officer at the time, rather than with the benefit of  
19 hindsight, and that the totality of the circumstances shall account  
20 for occasions when officers may be forced to make quick  
21 judgments about using force.

22 (5) That individuals with physical, mental health, developmental,  
23 or intellectual disabilities are significantly more likely to experience  
24 greater levels of physical force during police interactions, as their  
25 disability may affect their ability to understand or comply with  
26 commands from peace officers. It is estimated that individuals  
27 with disabilities are involved in between one-third and one-half  
28 of all fatal encounters with law enforcement.

29 (b) Any peace officer who has reasonable cause to believe that  
30 the person to be arrested has committed a public offense may use  
31 objectively reasonable force to effect the arrest, to prevent escape,  
32 or to overcome resistance.

33 (c) (1) Notwithstanding subdivision (b), a peace officer is  
34 justified in using deadly force upon another person only when the  
35 officer reasonably believes, based on the totality of the  
36 circumstances, that such force is necessary for either of the  
37 following reasons:

38 (A) To defend against an imminent threat of death or serious  
39 bodily injury to the officer or to another person.

(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

(d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other ~~deescalation~~ *de-escalation* tactics.

(e) For purposes of this section, the following definitions shall apply:

(1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.



1     *SEC. 25. Section 1171 of the Penal Code is amended to read:*

2     1171. (a) For the purposes of this section, “postconviction  
3 proceeding” means a proceeding to modify a sentence or conviction  
4 pursuant to an ameliorative statute. Ameliorative statutes include,  
5 but are not limited to, Sections 1170.18, 1172.1, 1172.6, 1172.7,  
6 and 1172.75.

7     (b) On or before March 1, 2025, the presiding judge of each  
8 county superior court, or their designee, shall convene a meeting  
9 to develop a plan for fair and efficient handling of postconviction  
10 proceedings. The presiding judge shall invite to the meeting a  
11 representative from the district attorney, the public defender or  
12 other representative of indigent defense services, and other entities  
13 that the presiding judge deems necessary in order to ensure timely  
14 and efficient postconviction proceedings. At the meeting, the  
15 presiding judge or their designee shall determine how  
16 postconviction proceedings will be assigned to individual judges,  
17 including whether they will take place before the original  
18 sentencing judge or designated judge. The presiding judge may  
19 set further meetings at their discretion.

20     (c) The following shall apply for all postconviction proceedings  
21 unless there is a conflict with a more specific rule established in  
22 statute, in which case the more specific statute shall apply:

23     (1) Upon receiving a request to begin a postconviction  
24 proceeding that is authorized in law, the court shall consider  
25 whether to appoint counsel to represent the defendant. This section  
26 does not prevent the court from assigning counsel at a later time.

27     (2) The court shall consider any pertinent circumstances that  
28 have arisen since the prior sentence was imposed and has  
29 jurisdiction to modify every aspect of the defendant’s sentence,  
30 including if it was imposed after a guilty plea.

31     (3) Any changes to a sentence shall not be a basis for a  
32 prosecutor or court to rescind a plea agreement.

33     (4) The court shall state on the record the reasons for its decision  
34 to grant or deny the initial request to begin a postconviction  
35 proceeding and shall provide notice to the defendant of its decision.

36     (5) After ruling on a request, the court shall advise the defendant  
37 of their right to appeal and the necessary steps and time for taking  
38 an appeal.

39     (6) The parties may waive a hearing and proceed directly to the  
40 resentencing. A defendant may waive their personal presence at a

1 resentencing hearing and may appear via remote technology. If a  
2 victim of a crime wishes to be heard pursuant to the provisions of  
3 Section 28 of Article I of the California Constitution, or pursuant  
4 to any other provision of law applicable to the hearing, the victim  
5 shall notify the prosecution of their request to be heard within 15  
6 days of being notified that resentencing is being sought and the  
7 court shall provide an opportunity for the victim to be heard.

8 ~~(d) This section does not diminish the ability of the prosecution~~  
9 ~~to oppose relief requested in a postconviction proceeding.~~

10 ~~(e) This section shall not be interpreted to authorize anything~~  
11 ~~prohibited by an initiative statute.~~

12 (7) (A) Notwithstanding any other law, including Sections  
13 13201 and 11081, and Sections 1798.24 and 1798.34 of the Civil  
14 Code, upon request from the defendant's attorney, the district  
15 attorney of the county in which the defendant was sentenced, or  
16 the Attorney General if the Department of Justice originally  
17 prosecuted the case, the Department of Corrections and  
18 Rehabilitation shall, in accordance with this subparagraph and  
19 subparagraph (C), provide to the requesting party a case summary,  
20 disciplinary records, programming records, chronos, and any other  
21 material the department deems relevant to a postconviction  
22 proceeding.

23 (B) For requests submitted on or after January 1, 2026, the  
24 records shall be provided within 45 days of the request unless the  
25 requestor agrees to extend this period. The records shall be  
26 provided in a secure electronic format. This section does not  
27 diminish the ability of parties or the court to request additional  
28 records, which shall be provided by the department as soon as is  
29 practicable.

30 (C) If the Department of Corrections and Rehabilitation has in  
31 its possession relevant records it has determined are confidential  
32 under the department's regulations, the department shall redact  
33 such portions before producing the records to the requestor.

34 (D) Any party may file a motion with the court presiding over  
35 a postconviction proceeding seeking disclosure of anything  
36 redacted under subparagraph (C). In addition to the parties required  
37 to be served such a motion, service is required upon the Department  
38 of Corrections and Rehabilitation through the person designated  
39 under subdivision (d). The court shall determine whether good  
40 cause exists for in-camera review of the redacted material. If the

1 court determines that good cause exists for in-camera review, the  
2 department shall provide the unredacted material for in-camera  
3 review within seven days. After an in-camera review, the court  
4 shall order disclosure of any redacted material that may be relevant  
5 to the postconviction proceeding and issue an appropriate protective  
6 order limiting the use and scope of the disclosure.

7 (E) To protect personal privacy and other legitimate interests,  
8 each party shall redact sensitive information as required by state  
9 and federal law and rules of court from all pleadings and other  
10 papers filed in the court's public file, whether filed in paper or  
11 electronic form, under this section.

12 (F) The Department of Corrections and Rehabilitation shall  
13 promulgate regulations to implement subparagraphs (A) to (C),  
14 inclusive.

15 ~~(F)~~

16 (d) The Department of Corrections and Rehabilitation shall  
17 designate a person for each prison as a point of contact for records,  
18 transportation, or inquiries pursuant to this section. The department  
19 shall regularly maintain a public directory of each person  
20 designated pursuant to this subdivision, including contact  
21 information.

22 ~~(g)~~

23 (e) This section does not diminish the ability of the prosecution  
24 to oppose relief requested in a postconviction proceeding.

25 ~~(h)~~

26 (f) This section shall not be interpreted to authorize anything  
27 prohibited by an initiative statute.

28 *SEC. 26. Section 1202.4 of the Penal Code is amended to read:*

29 1202.4. (a) (1) It is the intent of the Legislature that a victim  
30 of crime who incurs an economic loss as a result of the commission  
31 of a crime shall receive restitution directly from a defendant  
32 convicted of that crime.

33 (2) Upon a person being convicted of a crime in the State of  
34 California, the court shall order the defendant to pay a fine in the  
35 form of a penalty assessment in accordance with Section 1464.

36 (3) The court, in addition to any other penalty provided or  
37 imposed under the law, shall order the defendant to pay both of  
38 the following:

39 (A) A restitution fine in accordance with subdivision (b).

1 (B) Restitution to the victim or victims, if any, in accordance  
2 with subdivision (f), which shall be enforceable as if the order  
3 were a civil judgment.

4 (b) In every case where a person is convicted of a crime, the  
5 court shall impose a separate and additional restitution fine, unless  
6 it finds compelling and extraordinary reasons for not doing so and  
7 states those reasons on the record.

8 (1) The restitution fine shall be set at the discretion of the court  
9 and commensurate with the seriousness of the offense. If the person  
10 is convicted of a felony, the fine shall not be less than three hundred  
11 dollars (\$300) and not more than ten thousand dollars (\$10,000).  
12 If the person is convicted of a misdemeanor, the fine shall not be  
13 less than one hundred fifty dollars (\$150) and not more than one  
14 thousand dollars (\$1,000).

15 (2) In setting a felony restitution fine, the court may determine  
16 the amount of the fine as the product of the minimum fine pursuant  
17 to paragraph (1) multiplied by the number of years of imprisonment  
18 the defendant is ordered to serve, multiplied by the number of  
19 felony counts of which the defendant is convicted.

20 (c) The court shall impose the restitution fine unless it finds  
21 compelling and extraordinary reasons for not doing so and states  
22 those reasons on the record. A defendant's inability to pay shall  
23 not be considered a compelling and extraordinary reason not to  
24 impose a restitution fine. Inability to pay may be considered only  
25 in increasing the amount of the restitution fine in excess of the  
26 minimum fine pursuant to paragraph (1) of subdivision (b). The  
27 court may specify that funds confiscated at the time of the  
28 defendant's arrest, except for funds confiscated pursuant to Chapter  
29 8 (commencing with Section 11469) of Division 10 of the Health  
30 and Safety Code, be applied to the restitution fine if the funds are  
31 not exempt for spousal or child support or subject to any other  
32 legal exemption.

33 (d) In setting the amount of the fine pursuant to subdivision (b)  
34 in excess of the minimum fine pursuant to paragraph (1) of  
35 subdivision (b), the court shall consider any relevant factors,  
36 including, but not limited to, the defendant's inability to pay, the  
37 seriousness and gravity of the offense and the circumstances of its  
38 commission, any economic gain derived by the defendant as a  
39 result of the crime, the extent to which any other person suffered  
40 losses as a result of the crime, and the number of victims involved

1 in the crime. Those losses may include pecuniary losses to the  
2 victim or the victim's dependents as well as intangible losses, such  
3 as psychological harm caused by the crime. Consideration of a  
4 defendant's inability to pay may include the defendant's future  
5 earning capacity. A defendant shall bear the burden of  
6 demonstrating the defendant's inability to pay. Express findings  
7 by the court as to the factors bearing on the amount of the fine  
8 shall not be required. A separate hearing for the fine shall not be  
9 required.

10 (e) The restitution fine shall not be subject to penalty  
11 assessments authorized in Section 1464 or Chapter 12  
12 (commencing with Section 76000) of Title 8 of the Government  
13 Code, or the state surcharge authorized in Section 1465.7, and  
14 shall be deposited in the Restitution Fund in the State Treasury.

15 (f) Except as provided in subdivisions (p) and (q), in every case  
16 in which a victim has suffered economic loss as a result of the  
17 defendant's conduct, the court shall require that the defendant  
18 make restitution to the victim or victims in an amount established  
19 by court order, based on the amount of loss claimed by the victim  
20 or victims or any other showing to the court. If the amount of loss  
21 cannot be ascertained at the time of sentencing, the restitution  
22 order shall include a provision that the amount shall be determined  
23 at the direction of the court. The court shall order full restitution.  
24 The court may specify that funds confiscated at the time of the  
25 defendant's arrest, except for funds confiscated pursuant to Chapter  
26 8 (commencing with Section 11469) of Division 10 of the Health  
27 and Safety Code, be applied to the restitution order if the funds  
28 are not exempt for spousal or child support or subject to any other  
29 legal exemption.

30 (1) The defendant has the right to a hearing before a judge to  
31 dispute the determination of the amount of restitution. The court  
32 may modify the amount, on its own motion or on the motion of  
33 the district attorney, the victim or victims, or the defendant. If a  
34 motion is made for modification of a restitution order, the victim  
35 shall be notified of that motion at least 10 days prior to the  
36 proceeding held to decide the motion. A victim at a restitution  
37 hearing or modification hearing described in this paragraph may  
38 testify by live, two-way audio and video transmission, if testimony  
39 by live, two-way audio and video transmission is available at the  
40 court.

(2) Determination of the amount of restitution ordered pursuant to this subdivision shall not be affected by the indemnification or subrogation rights of a third party. Restitution ordered pursuant to this subdivision shall be ordered to be deposited in the Restitution Fund to the extent that the victim, as defined in subdivision (k), has received assistance from the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code.

(3) To the extent possible, the restitution order shall be prepared by the sentencing court, shall identify each victim and each loss to which it pertains, and shall be of a dollar amount that is sufficient to fully reimburse the victim or victims for every determined economic loss incurred as the result of the defendant's criminal conduct, including, but not limited to, all of the following:

(A) Full or partial payment for the value of stolen or damaged property. The value of stolen or damaged property shall be the replacement cost of like property, or the actual cost of repairing the property when repair is possible.

(B) Medical expenses.

(C) Mental health counseling expenses.

(D) Wages or profits lost due to injury incurred by the victim, and if the victim is a minor, wages or profits lost by the minor's parent, parents, guardian, or guardians, while caring for the injured minor. Lost wages shall include commission income as well as base wages. Commission income shall be established by evidence of commission income during the 12-month period prior to the date of the crime for which restitution is being ordered, unless good cause for a shorter time period is shown.

(E) Wages or profits lost by the victim, and if the victim is a minor, wages or profits lost by the minor's parent, parents, guardian, or guardians, due to time spent as a witness or in assisting the police or prosecution. Lost wages shall include commission income as well as base wages. Commission income shall be established by evidence of commission income during the 12-month period prior to the date of the crime for which restitution is being ordered, unless good cause for a shorter time period is shown.

(F) Noneconomic losses, including, but not limited to, psychological harm, for felony violations of Section 288, 288.5, or 288.7.

1 (G) Interest, at the rate of 10 percent per annum, that accrues  
2 as of the date of sentencing or loss, as determined by the court.

3 (H) Actual and reasonable attorney's fees and other costs of  
4 collection accrued by a private entity on behalf of the victim.

5 (I) Expenses incurred by an adult victim in relocating away  
6 from the defendant, including, but not limited to, deposits for  
7 utilities and telephone service, deposits for rental housing,  
8 temporary lodging and food expenses, clothing, and personal items.  
9 Expenses incurred pursuant to this section shall be verified by law  
10 enforcement to be necessary for the personal safety of the victim  
11 or by a mental health treatment provider to be necessary for the  
12 emotional well-being of the victim.

13 (J) Expenses to install or increase residential security incurred  
14 related to a violation of Section 273.5, or a violent felony as defined  
15 in subdivision (c) of Section 667.5, including, but not limited to,  
16 a home security device or system, or replacing or increasing the  
17 number of locks.

18 (K) Expenses to retrofit a residence or vehicle, or both, to make  
19 the residence accessible to or the vehicle operational by the victim,  
20 if the victim is permanently disabled, whether the disability is  
21 partial or total, as a direct result of the crime.

22 (L) Expenses for a period of time reasonably necessary to make  
23 the victim whole, for the costs to monitor the credit report of, and  
24 for the costs to repair the credit of, a victim of identity theft, as  
25 defined in Section 530.5.

26 (4) (A) If, as a result of the defendant's conduct, the Restitution  
27 Fund has provided assistance to or on behalf of a victim or  
28 derivative victim pursuant to Chapter 5 (commencing with Section  
29 13950) of Part 4 of Division 3 of Title 2 of the Government Code,  
30 the amount of assistance provided shall be presumed to be a direct  
31 result of the defendant's criminal conduct and shall be included  
32 in the amount of the restitution ordered.

33 (B) The amount of assistance provided by the Restitution Fund  
34 shall be established by copies of bills submitted to the California  
35 Victim Compensation Board reflecting the amount paid by the  
36 board and whether the services for which payment was made were  
37 for medical or dental expenses, funeral or burial expenses, mental  
38 health counseling, wage or support losses, or rehabilitation.  
39 Certified copies of these bills provided by the board and redacted  
40 to protect the privacy and safety of the victim or any legal privilege,

1 together with a statement made under penalty of perjury by the  
2 custodian of records that those bills were submitted to and were  
3 paid by the board, shall be sufficient to meet this requirement.

4 (C) If the defendant offers evidence to rebut the presumption  
5 established by this paragraph, the court may release additional  
6 information contained in the records of the board to the defendant  
7 only after reviewing that information in camera and finding that  
8 the information is necessary for the defendant to dispute the amount  
9 of the restitution order.

10 (5) Except as provided in paragraph (6), in any case in which  
11 an order may be entered pursuant to this subdivision, the defendant  
12 shall prepare and file a disclosure identifying all assets, income,  
13 and liabilities in which the defendant held or controlled a present  
14 or future interest as of the date of the defendant's arrest for the  
15 crime for which restitution may be ordered. The financial disclosure  
16 statements shall be made available to the victim and the board  
17 pursuant to Section 1214. The disclosure shall be signed by the  
18 defendant upon a form approved or adopted by the Judicial Council  
19 for the purpose of facilitating the disclosure. A defendant who  
20 willfully states as true a material matter that the defendant knows  
21 to be false on the disclosure required by this subdivision is guilty  
22 of a misdemeanor, unless this conduct is punishable as perjury or  
23 another provision of law provides for a greater penalty.

24 (6) A defendant who fails to file the financial disclosure required  
25 in paragraph (5), but who has filed a financial affidavit or financial  
26 information pursuant to subdivision (c) of Section 987, shall be  
27 deemed to have waived the confidentiality of that affidavit or  
28 financial information as to a victim in whose favor the order of  
29 restitution is entered pursuant to subdivision (f). The affidavit or  
30 information shall serve in lieu of the financial disclosure required  
31 in paragraph (5), and paragraphs (7) to (10), inclusive, shall not  
32 apply.

33 (7) Except as provided in paragraph (6), the defendant shall file  
34 the disclosure with the clerk of the court no later than the date set  
35 for the defendant's sentencing, unless otherwise directed by the  
36 court. The disclosure may be inspected or copied as provided by  
37 subdivision (b), (c), or (d) of Section 1203.05.

38 (8) In its discretion, the court may relieve the defendant of the  
39 duty under paragraph (7) of filing with the clerk by requiring that



1 the defendant's disclosure be submitted as an attachment to, and  
2 be available to, those authorized to receive the following:

3 (A) A report submitted pursuant to subparagraph (D) of  
4 paragraph (2) of subdivision (b) of Section 1203 or subdivision  
5 (g) of Section 1203.

6 (B) A stipulation submitted pursuant to paragraph (4) of  
7 subdivision (b) of Section 1203.

8 (C) A report by the probation officer, or information submitted  
9 by the defendant applying for a conditional sentence pursuant to  
10 subdivision (d) of Section 1203.

11 (9) The court may consider a defendant's unreasonable failure  
12 to make a complete disclosure pursuant to paragraph (5) as any of  
13 the following:

14 (A) A circumstance in aggravation of the crime in imposing a  
15 term under subdivision (b) of Section 1170.

16 (B) A factor indicating that the interests of justice would not be  
17 served by admitting the defendant to probation under Section 1203.

18 (C) A factor indicating that the interests of justice would not be  
19 served by conditionally sentencing the defendant under Section  
20 1203.

21 (D) A factor indicating that the interests of justice would not  
22 be served by imposing less than the maximum fine and sentence  
23 fixed by law for the case.

24 (10) A defendant's failure or refusal to make the required  
25 disclosure pursuant to paragraph (5) shall not delay entry of an  
26 order of restitution or pronouncement of sentence. In appropriate  
27 cases, the court may do any of the following:

28 (A) Require the defendant to be examined by the district attorney  
29 pursuant to subdivision (h).

30 (B) If sentencing the defendant under Section 1170, provide  
31 that the victim shall receive a copy of the portion of the probation  
32 report filed pursuant to Section 1203.10 concerning the defendant's  
33 employment, occupation, finances, and liabilities.

34 (C) If sentencing the defendant under Section 1203, set a date  
35 and place for submission of the disclosure required by paragraph  
36 (5) as a condition of probation or suspended sentence.

37 (11) If a defendant has any remaining unpaid balance on a  
38 restitution order or fine 120 days prior to the defendant's scheduled  
39 release from probation or 120 days prior to the defendant's  
40 completion of a conditional sentence, the defendant shall prepare

1 and file a new and updated financial disclosure identifying all  
2 assets, income, and liabilities in which the defendant holds or  
3 controls or has held or controlled a present or future interest during  
4 the defendant's period of probation or conditional sentence. The  
5 financial disclosure shall be made available to the victim and the  
6 board pursuant to Section 1214. The disclosure shall be signed  
7 and prepared by the defendant on the same form as described in  
8 paragraph (5). A defendant who willfully states as true a material  
9 matter that the defendant knows to be false on the disclosure  
10 required by this subdivision is guilty of a misdemeanor, unless  
11 this conduct is punishable as perjury or another provision of law  
12 provides for a greater penalty. The financial disclosure required  
13 by this paragraph shall be filed with the clerk of the court no later  
14 than 90 days prior to the defendant's scheduled release from  
15 probation or completion of the defendant's conditional sentence.

16 (12) In cases where an employer is convicted of a crime against  
17 an employee, a payment to the employee or the employee's  
18 dependent that is made by the employer's workers' compensation  
19 insurance carrier shall not be used to offset the amount of the  
20 restitution order unless the court finds that the defendant  
21 substantially met the obligation to pay premiums for that insurance  
22 coverage.

23 (g) A defendant's inability to pay shall not be a consideration  
24 in determining the amount of a restitution order.

25 (h) The district attorney may request an order of examination  
26 pursuant to the procedures specified in Article 2 (commencing  
27 with Section 708.110) of Chapter 6 of Division 2 of Title 9 of Part  
28 2 of the Code of Civil Procedure, in order to determine the  
29 defendant's financial assets for purposes of collecting on the  
30 restitution order.

31 (i) A restitution order imposed pursuant to subdivision (f) shall  
32 be enforceable as if the order were a civil judgment.

33 (j) The making of a restitution order pursuant to subdivision (f)  
34 shall not affect the right of a victim to recovery from the Restitution  
35 Fund as otherwise provided by law, except to the extent that  
36 restitution is actually collected pursuant to the order. Restitution  
37 collected pursuant to this subdivision shall be credited to any other  
38 judgments for the same losses obtained against the defendant  
39 arising out of the crime for which the defendant was convicted.

1 (k) For purposes of this section, “victim” shall include all of  
2 the following:

3 (1) The immediate surviving family of the actual victim.

4 (2) A corporation, business trust, estate, trust, partnership,  
5 association, joint venture, government, governmental subdivision,  
6 agency, or instrumentality, or any other legal or commercial entity  
7 when that entity is a direct victim of a crime.

8 (3) A person who has sustained economic loss as the result of  
9 a crime and who satisfies any of the following conditions:

10 (A) At the time of the crime was the parent, grandparent, sibling,  
11 spouse, child, or grandchild of the victim.

12 (B) At the time of the crime was living in the household of the  
13 victim.

14 (C) At the time of the crime was a person who had previously  
15 lived in the household of the victim for a period of not less than  
16 two years in a relationship substantially similar to a relationship  
17 listed in subparagraph (A).

18 (D) Is another family member of the victim, including, but not  
19 limited to, the victim’s fiancé or fiancée, and who witnessed the  
20 crime.

21 (E) Is the primary caretaker of a minor victim.

22 (4) A person who is eligible to receive assistance from the  
23 Restitution Fund pursuant to Chapter 5 (commencing with Section  
24 13950) of Part 4 of Division 3 of Title 2 of the Government Code.

25 (5) A governmental entity that is responsible for repairing,  
26 replacing, or restoring public or privately owned property that has  
27 been defaced with graffiti or other inscribed material, as defined  
28 in subdivision (e) of Section 594, and that has sustained an  
29 economic loss as the result of a violation of Section 594, 594.3,  
30 594.4, 640.5, 640.6, or 640.7.

31 (l) In every case in which the defendant is granted probation,  
32 the court shall make the payment of restitution fines and orders  
33 imposed pursuant to this section a condition of probation. Any  
34 portion of a restitution order that remains unsatisfied after a  
35 defendant is no longer on probation shall continue to be enforceable  
36 by a victim pursuant to Section 1214 until the obligation is  
37 satisfied.

38 (m) If the court finds and states on the record compelling and  
39 extraordinary reasons why a restitution fine should not be required,  
40 the court shall order, as a condition of probation, that the defendant

1 perform specified community service, unless it finds and states on  
2 the record compelling and extraordinary reasons not to require  
3 community service in addition to the finding that a restitution fine  
4 should not be required. Upon revocation of probation, the court  
5 shall impose the restitution fine pursuant to this section.

6 (n) The provisions of Section 13963 of the Government Code  
7 shall apply to restitution imposed pursuant to this section.

8 (o) The court clerk shall notify the California Victim  
9 Compensation and Government Claims Board within 90 days of  
10 an order of restitution being imposed if the defendant is ordered  
11 to pay restitution to the board due to the victim receiving  
12 compensation from the Restitution Fund. Notification shall be  
13 accomplished by mailing a copy of the court order to the board,  
14 which may be done periodically by bulk mail or email.

15 (p) Upon conviction for a violation of Section 236.1, the court  
16 shall, in addition to any other penalty or restitution, order the  
17 defendant to pay restitution to the victim in a case in which a victim  
18 has suffered economic loss as a result of the defendant's conduct.  
19 The court shall require that the defendant make restitution to the  
20 victim or victims in an amount established by court order, based  
21 on the amount of loss claimed by the victim or victims or another  
22 showing to the court. In determining restitution pursuant to this  
23 section, the court shall base its order upon the greater of the  
24 following: the gross value of the victim's labor or services based  
25 upon the comparable value of similar services in the labor market  
26 in which the offense occurred, or the value of the victim's labor  
27 as guaranteed under California law, or the actual income derived  
28 by the defendant from the victim's labor or services or any other  
29 appropriate means to provide reparations to the victim.

30 (q) (1) In addition to any other penalty or fine, the court shall  
31 order a person who has been convicted of a violation of Section  
32 350, 653h, 653s, 653u, 653w, or 653aa that involves a recording  
33 or audiovisual work to make restitution to an owner or lawful  
34 producer, or trade association acting on behalf of the owner or  
35 lawful producer, of a phonograph record, disc, wire, tape, film, or  
36 other device or article from which sounds or visual images are  
37 derived that suffered economic loss resulting from the violation.  
38 The order of restitution shall be based on the aggregate wholesale  
39 value of lawfully manufactured and authorized devices or articles  
40 from which sounds or visual images are devised corresponding to

1 the number of nonconforming devices or articles involved in the  
2 offense, unless a higher value can be proved in the case of (A) an  
3 unreleased audio work, or (B) an audiovisual work that, at the time  
4 of unauthorized distribution, has not been made available in copies  
5 for sale to the general public in the United States on a digital  
6 versatile disc. For purposes of this subdivision, possession of  
7 nonconforming devices or articles intended for sale constitutes  
8 actual economic loss to an owner or lawful producer in the form  
9 of displaced legitimate wholesale purchases. The order of  
10 restitution shall also include reasonable costs incurred as a result  
11 of an investigation of the violation undertaken by the owner, lawful  
12 producer, or trade association acting on behalf of the owner or  
13 lawful producer. “Aggregate wholesale value” means the average  
14 wholesale value of lawfully manufactured and authorized sound  
15 or audiovisual recordings. Proof of the specific wholesale value  
16 of each nonconforming device or article is not required.

17 (2) As used in this subdivision, “audiovisual work” and  
18 “recording” shall have the same meaning as in Section 653w.

19 (r) (1) If a corporation, as defined in Section 1398, is convicted  
20 of a misdemeanor or felony offense, the court shall impose a  
21 separate and additional restitution fine, unless it finds a compelling  
22 and extraordinary ~~reason~~ *reasons* for not doing so and states those  
23 reasons on *the* record.

24 (2) The court may determine the amount of the restitution fine.  
25 The fine shall be commensurate with the seriousness of the offense.  
26 If the corporation is convicted of a felony, the fine shall not be  
27 more than one hundred thousand dollars (\$100,000). If the  
28 corporation is convicted of a misdemeanor, the fine shall not be  
29 more than one thousand dollars (\$1,000).

30 (3) Any moneys collected pursuant to this subdivision shall be  
31 distributed as follows:

32 (A) Seventy-five percent shall be deposited into the California  
33 Crime Victims Fund established under Section 13839.

34 (B) Twenty-five percent shall be distributed as follows:

35 (i) If the action was brought by the Department of Justice, the  
36 moneys shall be deposited in a special account in the General Fund,  
37 and, upon appropriation, may be expended by the Department of  
38 Justice to offset costs incurred for investigation and prosecution.

(ii) If the action was brought by a district attorney or county counsel, the moneys shall be paid to the treasurer of the county in which the judgment is entered.

(iii) If the action was brought by a city attorney or city prosecutor, one-half of the moneys shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city, except that if the action was brought by a city attorney of a city and county the entire amount of the moneys shall be paid to the treasurer of the city and county in which the judgment is entered.

*SEC. 27. Section 1370 of the Penal Code is amended to read:*

1370. (a) (1) (A) If the defendant is found mentally competent, the criminal process shall resume, the trial on the offense charged or hearing on the alleged violation shall proceed, and judgment may be pronounced.

(B) If the defendant is found mentally incompetent and is not charged with an offense listed in subdivision (d) of Section 1001.36, the trial, the hearing on the alleged violation, or the judgment shall be suspended, and the court shall do all of the following:

(i) (I) Determine whether restoring the person to mental competence is in the interests of justice.

(II) In exercising its discretion pursuant to this clause, the court shall consider the relevant circumstances of the charged offense, including the harm done to the victim, the defendant's mental health condition, including, without limitation, any intellectual or developmental disability, the history of treatment, the criminal history of the defendant, whether the defendant is likely to face incarceration if convicted, whether the defendant has previously been found incompetent to stand trial, whether restoring the person to mental competence will enhance public safety, and any other relevant considerations. The court shall provide the defense and prosecution an opportunity to be heard on whether restoration is in the interests of justice.

(ii) If restoring the person to mental competence is in the interests of justice, the court shall state its reasons orally on the record and the case shall proceed as provided in subparagraph (C).

(iii) If restoring the person to mental competence is not in the interests of justice, the court shall conduct a hearing, pursuant to Section 1001.36, and, if the court deems the defendant eligible,

1 grant diversion pursuant to that section for a period not to exceed  
2 two years from the date the individual is accepted into diversion  
3 or the maximum term of imprisonment provided by law for the  
4 most serious offense charged in the complaint, whichever is shorter.

5 (I) The hearing shall be held no later than 30 days after the  
6 finding of incompetence. If the hearing is delayed beyond 30 days,  
7 the court shall order the defendant to be released on their own  
8 recognizance pending the hearing.

9 (II) If the defendant performs satisfactorily on diversion pursuant  
10 to this subclause, at the end of the period of diversion, the court  
11 shall dismiss the criminal charges that were the subject of the  
12 criminal proceedings at the time of the initial diversion.

13 (III) If the court finds the defendant ineligible *or unsuitable* for  
14 diversion based on the circumstances set forth in subdivision (b)  
15 or ~~(g)~~ (c) of Section 1001.36, or if ~~diversion is terminated~~  
16 ~~unsuccessfully~~, *any of the conditions described in subdivision (g)*  
17 *of Section 1001.36 are present*, the court may, after notice to the  
18 defendant, defense counsel, and the prosecution, hold a hearing to  
19 determine whether to do any of the following:

20 (ia) Order modification of the treatment plan in accordance with  
21 a recommendation from the treatment provider.

22 (ib) Refer the defendant to assisted outpatient treatment pursuant  
23 to Section 5346 of the Welfare and Institutions Code. A referral  
24 to assisted outpatient treatment may only occur in a county where  
25 services are available pursuant to Section 5348 of the Welfare and  
26 Institutions Code, and the agency agrees to accept responsibility  
27 for treatment of the defendant. A hearing to determine eligibility  
28 for assisted outpatient treatment shall be held within 45 days after  
29 the finding of incompetence. If the hearing is delayed beyond 45  
30 days, the court shall order the defendant, if confined in county jail,  
31 to be released on their own recognizance pending that hearing. If  
32 the defendant is accepted into assisted outpatient treatment, the  
33 charges shall be dismissed pursuant to Section 1385.

34 (ic) Refer the defendant to the county conservatorship  
35 investigator in the county of commitment for possible  
36 conservatorship proceedings for the defendant pursuant to Chapter  
37 3 (commencing with Section 5350) of Part 1 of Division 5 of the  
38 Welfare and Institutions Code. A defendant shall only be referred  
39 to the conservatorship investigator if it appears to the court or a  
40 qualified mental health expert that the defendant appears to be

1 gravely disabled, as defined in paragraph (1) of subdivision (h) of  
2 Section 5008 of the Welfare and Institutions Code. Any hearings  
3 required in the conservatorship proceedings shall be held in the  
4 superior court in the county of commitment. The court shall  
5 transmit a copy of the order directing initiation of conservatorship  
6 proceedings to the county mental health director or the director's  
7 designee and shall notify the county mental health director or their  
8 designee of the outcome of the proceedings. Before establishing  
9 a conservatorship, the public guardian shall investigate all available  
10 alternatives to conservatorship pursuant to Section 5354 of the  
11 Welfare and Institutions Code. If a petition is not filed within 30  
12 days of the referral, the court shall order the defendant, if confined  
13 in county jail, to be released on their own recognizance pending  
14 conservatorship proceedings. The charges shall be dismissed  
15 pursuant to Section 1385 upon the filing of either a temporary or  
16 permanent conservatorship petition unless the basis for the petition  
17 is that the defendant is gravely disabled as defined in subparagraph  
18 (B) of paragraph (1) of subdivision (h) of Section 5008 of the  
19 Welfare and Institutions Code.

20 (id) Refer the defendant to the CARE program pursuant to  
21 Section 5978 of the Welfare and Institutions Code. A hearing to  
22 determine eligibility for the CARE program shall be held within  
23 14 court days after the date on which the petition for the referral  
24 is filed. If the hearing is delayed beyond 14 court days, the court  
25 shall order the defendant, if confined in county jail, to be released  
26 on their own recognizance pending that hearing. If the defendant  
27 is accepted into the CARE program, the charges shall be dismissed  
28 pursuant to Section 1385.

29 (ie) Reinstate competency proceedings, in which case the court  
30 shall credit any time spent in mental health diversion against the  
31 maximum term of commitment as specified in paragraph (1) of  
32 subdivision (c).

33 (C) If the defendant is found mentally incompetent and restoring  
34 the defendant to competence is in the interests of justice or they  
35 are charged with an offense listed in subdivision (d) of Section  
36 1001.36, the trial, the hearing on the alleged violation, or the  
37 judgment shall be suspended until the person becomes mentally  
38 competent.

39 (i) The court shall order that the mentally incompetent defendant  
40 be delivered by the sheriff to a State Department of State Hospitals



1 facility, as defined in Section 4100 of the Welfare and Institutions  
2 Code, as directed by the State Department of State Hospitals, or  
3 to any other available public or private treatment facility, including  
4 a community-based residential treatment system approved by the  
5 community program director, or their designee, that will promote  
6 the defendant's speedy restoration to mental competence, or placed  
7 on outpatient status as specified in Section 1600.

8 (ii) (I) If a defendant has been found mentally incompetent,  
9 and the court has ordered commitment to a State Department of  
10 State Hospitals facility as described in Section 4100 of the Welfare  
11 and Institutions Code, and is not in the custody of the local sheriff,  
12 the department shall inform the sheriff when a placement in a  
13 facility becomes available and make reasonable efforts to  
14 coordinate a delivery by the sheriff to transport the defendant to  
15 the facility. If the department has made reasonable attempts for  
16 90 days, starting with the date of commitment, and the defendant  
17 has not been transported, as originally ordered under clause (i),  
18 the department shall inform the court and sheriff in writing.

19 (II) If the sheriff has not delivered the defendant to a State  
20 Department of State Hospitals facility within 90 days after the  
21 department's written notice, the commitment to the State  
22 Department of State Hospitals shall be automatically stayed and  
23 the department may remove the defendant from the pending  
24 placement list until the court notifies the department in writing  
25 that the defendant is available for transport and the defendant shall  
26 regain their place on the pending placement list.

27 (iii) However, if the action against the defendant who has been  
28 found mentally incompetent is on a complaint charging a felony  
29 offense specified in Section 290, the prosecutor shall determine  
30 whether the defendant previously has been found mentally  
31 incompetent to stand trial pursuant to this chapter on a charge of  
32 a Section 290 offense, or whether the defendant is currently the  
33 subject of a pending Section 1368 proceeding arising out of a  
34 charge of a Section 290 offense. If either determination is made,  
35 the prosecutor shall notify the court and defendant in writing. After  
36 this notification, and opportunity for hearing, the court shall order  
37 that the defendant be delivered by the sheriff to a State Department  
38 of State Hospitals facility, as directed by the State Department of  
39 State Hospitals, or other secure treatment facility for the care and  
40 treatment of persons with a mental health disorder, unless the court

1 makes specific findings on the record that an alternative placement  
2 would provide more appropriate treatment for the defendant and  
3 would not pose a danger to the health and safety of others.

4 (iv) If the action against the defendant who has been found  
5 mentally incompetent is on a complaint charging a felony offense  
6 specified in Section 290 and the defendant has been denied bail  
7 pursuant to subdivision (b) of Section 12 of Article I of the  
8 California Constitution because the court has found, based upon  
9 clear and convincing evidence, a substantial likelihood that the  
10 person's release would result in great bodily harm to others, the  
11 court shall order that the defendant be delivered by the sheriff to  
12 a State Department of State Hospitals facility, as directed by the  
13 State Department of State Hospitals, unless the court makes specific  
14 findings on the record that an alternative placement would provide  
15 more appropriate treatment for the defendant and would not pose  
16 a danger to the health and safety of others.

17 (v) (I) If, at any time after the court finds that the defendant is  
18 mentally incompetent and before the defendant is transported to  
19 a facility pursuant to this section, the court is provided with any  
20 information that the defendant may benefit from diversion pursuant  
21 to Chapter 2.8A (commencing with Section 1001.35) of Title 6,  
22 the court may make a finding that the defendant is an appropriate  
23 candidate for diversion.

24 (II) Notwithstanding subclause (I), if a defendant is found  
25 mentally incompetent and is transferred to a facility described in  
26 Section 4361.6 of the Welfare and Institutions Code, the court  
27 may, at any time upon receiving any information that the defendant  
28 may benefit from diversion pursuant to Chapter 2.8A (commencing  
29 with Section 1001.35) of Title 6, make a finding that the defendant  
30 is an appropriate candidate for diversion.

31 (vi) If a defendant is found by the court to be an appropriate  
32 candidate for diversion pursuant to clause (v), the defendant's  
33 eligibility shall be determined pursuant to Section 1001.36. A  
34 defendant granted diversion may participate for the lesser of the  
35 period specified in paragraph (1) of subdivision (c) or the  
36 applicable period described in subparagraph (C) of paragraph (1)  
37 of subdivision (f) of Section 1001.36. If, during that period, the  
38 court determines that criminal proceedings should be reinstated  
39 pursuant to subdivision (g) of Section 1001.36, the court shall,  
40 pursuant to Section 1369, appoint a psychiatrist, licensed

1 psychologist, or any other expert the court may deem appropriate,  
2 to determine the defendant's competence to stand trial.

3 (vii) Upon the dismissal of charges at the conclusion of the  
4 period of diversion, pursuant to subdivision (h) of Section 1001.36,  
5 a defendant shall no longer be deemed incompetent to stand trial  
6 pursuant to this section.

7 (viii) The clerk of the court shall notify the Department of  
8 Justice, in writing, of a finding of mental incompetence with respect  
9 to a defendant who is subject to clause (iii) or (iv) for inclusion in  
10 the defendant's state summary criminal history information.

11 (D) If at any time after the finding of mental incompetence, but  
12 before the defendant begins treatment in a program or facility to  
13 promote the defendant's speedy restoration of mental competence  
14 pursuant to this section, there is a change in circumstance that  
15 affects the likelihood that the defendant will be able to be attain  
16 competence, either party may instead petition the court to proceed  
17 in accordance with subdivision (b).

18 (E) Upon the filing of a certificate of restoration to competence,  
19 the court shall order that the defendant be returned to court in  
20 accordance with Section 1372. The court shall transmit a copy of  
21 its order to the community program director or a designee.

22 (F) A defendant charged with a violent felony may not be  
23 delivered to a State Department of State Hospitals facility or  
24 treatment facility pursuant to this subdivision unless the State  
25 Department of State Hospitals facility or treatment facility has a  
26 secured perimeter or a locked and controlled treatment facility,  
27 and the judge determines that the public safety will be protected.

28 (G) For purposes of this paragraph, "violent felony" means an  
29 offense specified in subdivision (c) of Section 667.5.

30 (H) A defendant charged with a violent felony may be placed  
31 on outpatient status, as specified in Section 1600, only if the court  
32 finds that the placement will not pose a danger to the health or  
33 safety of others. If the court places a defendant charged with a  
34 violent felony on outpatient status, as specified in Section 1600,  
35 the court shall serve copies of the placement order on defense  
36 counsel, the sheriff in the county where the defendant will be  
37 placed, and the district attorney for the county in which the violent  
38 felony charges are pending against the defendant.

39 (I) If, at any time after the court has declared a defendant  
40 incompetent to stand trial pursuant to this section, counsel for the

1 defendant or a jail medical or mental health staff provider provides  
2 the court with substantial evidence that the defendant's psychiatric  
3 symptoms have changed to such a degree as to create a doubt in  
4 the mind of the judge as to the defendant's current mental  
5 incompetence, the court may appoint a psychiatrist or a licensed  
6 psychologist to opine as to whether the defendant has attained  
7 competence. If, in the opinion of that expert, the defendant has  
8 attained competence, the court shall proceed as if a certificate of  
9 restoration of competence has been returned pursuant to paragraph  
10 (1) of subdivision (a) of Section 1372.

11 (J) (i) The State Department of State Hospitals may, pursuant  
12 to Section 4335.2 of the Welfare and Institutions Code, conduct  
13 an evaluation of the defendant in county custody to determine any  
14 of the following:

15 (I) The defendant has attained competence.

16 (II) There is no substantial likelihood that the defendant will  
17 attain competence in the foreseeable future.

18 (III) The defendant should be referred to the county for further  
19 evaluation for potential participation in a county diversion program,  
20 if one exists, or to another outpatient treatment program.

21 (ii) If, in the opinion of the department's expert, the defendant  
22 has attained competence, the court shall proceed as if a certificate  
23 of restoration of competence has been returned pursuant to  
24 paragraph (1) of subdivision (a) of Section 1372.

25 (iii) If, in the opinion of the department's expert, there is no  
26 substantial likelihood that the defendant will attain mental  
27 competence in the foreseeable future, the committing court shall  
28 proceed pursuant to paragraph (3) of subdivision (c) no later than  
29 10 days following receipt of the report.

30 (2) Prior to making the order directing that the defendant be  
31 committed to the State Department of State Hospitals or other  
32 treatment facility or placed on outpatient status, the court shall  
33 proceed as follows:

34 (A) (i) The court shall order the community program director  
35 or a designee to evaluate the defendant and to submit to the court  
36 within 15 judicial days of the order a written recommendation as  
37 to whether the defendant should be required to undergo outpatient  
38 treatment, or be committed to the State Department of State  
39 Hospitals or to any other treatment facility. A person shall not be  
40 admitted to a State Department of State Hospitals facility or other

1 treatment facility or placed on outpatient status under this section  
2 without having been evaluated by the community program director  
3 or a designee. The community program director or designee shall  
4 evaluate the appropriate placement for the defendant between a  
5 State Department of State Hospitals facility or the  
6 community-based residential treatment system based upon  
7 guidelines provided by the State Department of State Hospitals.

8 (ii) A defendant shall first be considered for placement in an  
9 outpatient treatment program, a community treatment program, or  
10 a diversion program, if any such program is available, unless a  
11 court, based upon the recommendation of the community program  
12 director or their designee, finds that either the clinical needs of the  
13 defendant or the risk to community safety, warrant placement in  
14 a State Department of State Hospitals facility.

15 (B) The court shall hear and determine whether the defendant  
16 lacks the capacity to make decisions regarding the administration  
17 of antipsychotic medication. The court shall consider opinions in  
18 the reports prepared pursuant to subdivision (b) of Section 1369,  
19 as applicable to the issue of whether the defendant lacks the  
20 capacity to make decisions regarding the administration of  
21 antipsychotic medication, and shall proceed as follows:

22 (i) The court shall hear and determine whether any of the  
23 following is true:

24 (I) Based upon the opinion of the psychiatrist or licensed  
25 psychologist offered to the court pursuant to subdivision (b) of  
26 Section 1369, the defendant lacks the capacity to make decisions  
27 regarding antipsychotic medication, the defendant's mental disorder  
28 requires medical treatment with antipsychotic medication, and, if  
29 the defendant's mental disorder is not treated with antipsychotic  
30 medication, it is probable that serious harm to the physical or  
31 mental health of the defendant will result. Probability of serious  
32 harm to the physical or mental health of the defendant requires  
33 evidence that the defendant is presently suffering adverse effects  
34 to their physical or mental health, or the defendant has previously  
35 suffered these effects as a result of a mental disorder and their  
36 condition is substantially deteriorating. The fact that a defendant  
37 has a diagnosis of a mental disorder does not alone establish  
38 probability of serious harm to the physical or mental health of the  
39 defendant.

(II) Based upon the opinion of the psychiatrist or licensed psychologist offered to the court pursuant to subdivision (b) of Section 1369, the defendant is a danger to others, in that the defendant has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another while in custody, or the defendant had inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another that resulted in the defendant being taken into custody, and the defendant presents, as a result of mental disorder or mental defect, a demonstrated danger of inflicting substantial physical harm on others. Demonstrated danger may be based on an assessment of the defendant's present mental condition, including a consideration of past behavior of the defendant within six years prior to the time the defendant last attempted to inflict, inflicted, or threatened to inflict substantial physical harm on another, and other relevant evidence.

(III) The people have charged the defendant with a serious crime against the person or property, and based upon the opinion of the psychiatrist offered to the court pursuant to subdivision (b) of Section 1369, the involuntary administration of antipsychotic medication is substantially likely to render the defendant competent to stand trial, the medication is unlikely to have side effects that interfere with the defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner, less intrusive treatments are unlikely to have substantially the same results, and antipsychotic medication is medically necessary and appropriate in light of their medical condition.

(ii) (I) If the court finds the conditions described in subclause (I) or (II) of clause (i) to be true, and if pursuant to the opinion offered to the court pursuant to subdivision (b) of Section 1369, a psychiatrist has opined that treatment with antipsychotic medications is appropriate for the defendant, the court shall issue an order authorizing the administration of antipsychotic medication as needed, including on an involuntary basis, to be administered under the direction and supervision of a licensed psychiatrist.

(II) If the court finds the conditions described in subclause (I) or (II) of clause (i) to be true, and if pursuant to the opinion offered to the court pursuant subdivision (b) of Section 1369, a licensed psychologist has opined that treatment with antipsychotic

1 medication may be appropriate for the defendant, the court shall  
2 issue an order authorizing treatment by a licensed psychiatrist on  
3 an involuntary basis. That treatment may include the administration  
4 of antipsychotic medication as needed, to be administered under  
5 the direction and supervision of a licensed psychiatrist.

6 (III) If the court finds the conditions described in subclause (III)  
7 of clause (i) to be true, and if pursuant to the opinion offered to  
8 the court pursuant to subdivision (b) of Section 1369, a psychiatrist  
9 has opined that it is appropriate to treat the defendant with  
10 antipsychotic medication, the court shall issue an order authorizing  
11 the administration of antipsychotic medication as needed, including  
12 on an involuntary basis, to be administered under the direction and  
13 supervision of a licensed psychiatrist.

14 (iii) An order authorizing involuntary administration of  
15 antipsychotic medication to the defendant when and as prescribed  
16 by the defendant's treating psychiatrist at any facility housing the  
17 defendant for purposes of this chapter, including a county jail,  
18 shall remain in effect when the defendant returns to county custody  
19 pursuant to subparagraph (A) of paragraph (1) of subdivision (b)  
20 or paragraph (1) of subdivision (c), or pursuant to subparagraph  
21 (C) of paragraph (3) of subdivision (a) of Section 1372, but shall  
22 be valid for no more than one year, pursuant to subparagraph (A)  
23 of paragraph (7). The court shall not order involuntary  
24 administration of psychotropic medication under subclause (III)  
25 of clause (i) unless the court has first found that the defendant does  
26 not meet the criteria for involuntary administration of psychotropic  
27 medication under subclause (I) of clause (i) and does not meet the  
28 criteria under subclause (II) of clause (i).

29 (iv) In all cases, the treating hospital, county jail, facility, or  
30 program may administer medically appropriate antipsychotic  
31 medication prescribed by a psychiatrist in an emergency as  
32 described in subdivision (m) of Section 5008 of the Welfare and  
33 Institutions Code.

34 (v) If the court has determined that the defendant has the  
35 capacity to make decisions regarding antipsychotic medication,  
36 and if the defendant, with advice of their counsel, consents, the  
37 court order of commitment shall include confirmation that  
38 antipsychotic medication may be given to the defendant as  
39 prescribed by a treating psychiatrist pursuant to the defendant's  
40 consent. The commitment order shall also indicate that, if the

1 defendant withdraws consent for antipsychotic medication, after  
2 the treating psychiatrist complies with the provisions of  
3 subparagraph (C), the defendant shall be returned to court for a  
4 hearing in accordance with subparagraphs (C) and (D) regarding  
5 whether antipsychotic medication shall be administered  
6 involuntarily.

7 (vi) If the court has determined that the defendant has the  
8 capacity to make decisions regarding antipsychotic medication  
9 and if the defendant, with advice from their counsel, does not  
10 consent, the court order for commitment shall indicate that, after  
11 the treating psychiatrist complies with the provisions of  
12 subparagraph (C), the defendant shall be returned to court for a  
13 hearing in accordance with subparagraphs (C) and (D) regarding  
14 whether antipsychotic medication shall be administered  
15 involuntarily.

16 (vii) A report made pursuant to paragraph (1) of subdivision (b)  
17 shall include a description of antipsychotic medication administered  
18 to the defendant and its effects and side effects, including effects  
19 on the defendant's appearance or behavior that would affect the  
20 defendant's ability to understand the nature of the criminal  
21 proceedings or to assist counsel in the conduct of a defense in a  
22 reasonable manner. During the time the defendant is confined in  
23 a State Department of State Hospitals facility or other treatment  
24 facility or placed on outpatient status, either the defendant or the  
25 people may request that the court review any order made pursuant  
26 to this subdivision. The defendant, to the same extent enjoyed by  
27 other patients in the State Department of State Hospitals facility  
28 or other treatment facility, shall have the right to contact the  
29 patients' rights advocate regarding the defendant's rights under  
30 this section.

31 (C) If the defendant consented to antipsychotic medication as  
32 described in clause (iv) of subparagraph (B), but subsequently  
33 withdraws their consent, or, if involuntary antipsychotic medication  
34 was not ordered pursuant to clause (v) of subparagraph (B), and  
35 the treating psychiatrist determines that antipsychotic medication  
36 has become medically necessary and appropriate, the treating  
37 psychiatrist shall make efforts to obtain informed consent from  
38 the defendant for antipsychotic medication. If informed consent  
39 is not obtained from the defendant, and the treating psychiatrist is  
40 of the opinion that the defendant lacks the capacity to make



1 decisions regarding antipsychotic medication based on the  
2 conditions described in subclause (I) or (II) of clause (i) of  
3 subparagraph (B), the treating psychiatrist shall certify whether  
4 the lack of capacity and any applicable conditions described above  
5 exist. That certification shall contain an assessment of the current  
6 mental status of the defendant and the opinion of the treating  
7 psychiatrist that involuntary antipsychotic medication has become  
8 medically necessary and appropriate.

9 (D) (i) If the treating psychiatrist certifies that antipsychotic  
10 medication has become medically necessary and appropriate  
11 pursuant to subparagraph (C), antipsychotic medication may be  
12 administered to the defendant for not more than 21 days, provided,  
13 however, that, within 72 hours of the certification, the defendant  
14 is provided a medication review hearing before an administrative  
15 law judge to be conducted at the facility where the defendant is  
16 receiving treatment. The treating psychiatrist shall present the case  
17 for the certification for involuntary treatment and the defendant  
18 shall be represented by an attorney or a patients' rights advocate.  
19 The attorney or patients' rights advocate shall be appointed to meet  
20 with the defendant no later than one day prior to the medication  
21 review hearing to review the defendant's rights at the medication  
22 review hearing, discuss the process, answer questions or concerns  
23 regarding involuntary medication or the hearing, assist the  
24 defendant in preparing for the hearing and advocating for the  
25 defendant's interests at the hearing, review the panel's final  
26 determination following the hearing, advise the defendant of their  
27 right to judicial review of the panel's decision, and provide the  
28 defendant with referral information for legal advice on the subject.  
29 The defendant shall also have the following rights with respect to  
30 the medication review hearing:

- 31 (I) To be given timely access to the defendant's records.
- 32 (II) To be present at the hearing, unless the defendant waives  
33 that right.
- 34 (III) To present evidence at the hearing.
- 35 (IV) To question persons presenting evidence supporting  
36 involuntary medication.
- 37 (V) To make reasonable requests for attendance of witnesses  
38 on the defendant's behalf.
- 39 (VI) To a hearing conducted in an impartial and informal  
40 manner.

(ii) If the administrative law judge determines that the defendant either meets the criteria specified in subclause (I) of clause (i) of subparagraph (B), or meets the criteria specified in subclause (II) of clause (i) of subparagraph (B), antipsychotic medication may continue to be administered to the defendant for the 21-day certification period. Concurrently with the treating psychiatrist's certification, the treating psychiatrist shall file a copy of the certification and a petition with the court for issuance of an order to administer antipsychotic medication beyond the 21-day certification period. For purposes of this subparagraph, the treating psychiatrist shall not be required to pay or deposit any fee for the filing of the petition or other document or paper related to the petition.

(iii) If the administrative law judge disagrees with the certification, medication may not be administered involuntarily until the court determines that antipsychotic medication should be administered pursuant to this section.

(iv) The court shall provide notice to the prosecuting attorney and to the attorney representing the defendant, and shall hold a hearing, no later than 18 days from the date of the certification, to determine whether antipsychotic medication should be ordered beyond the certification period.

(v) If, as a result of the hearing, the court determines that antipsychotic medication should be administered beyond the certification period, the court shall issue an order authorizing the administration of that medication.

(vi) The court shall render its decision on the petition and issue its order no later than three calendar days after the hearing and, in any event, no later than the expiration of the 21-day certification period.

(vii) If the administrative law judge upholds the certification pursuant to clause (ii), the court may, for a period not to exceed 14 days, extend the certification and continue the hearing pursuant to stipulation between the parties or upon a finding of good cause. In determining good cause, the court may review the petition filed with the court, the administrative law judge's order, and any additional testimony needed by the court to determine if it is appropriate to continue medication beyond the 21-day certification and for a period of up to 14 days.

1 (viii) The district attorney, county counsel, or representative of  
2 a facility where a defendant found incompetent to stand trial is  
3 committed may petition the court for an order to administer  
4 involuntary medication pursuant to the criteria set forth in  
5 subclauses (II) and (III) of clause (i) of subparagraph (B). The  
6 order is reviewable as provided in paragraph (7).

7 (3) (A) When the court orders that the defendant be committed  
8 to a State Department of State Hospitals facility or other public or  
9 private treatment facility, the court shall provide copies of the  
10 following documents prior to the admission of the defendant to  
11 the State Department of State Hospitals or other treatment facility  
12 where the defendant is to be committed:

13 (i) The commitment order, which shall include a specification  
14 of the charges, an assessment of whether involuntary treatment  
15 with antipsychotic medications is warranted, and any orders by  
16 the court, pursuant to subparagraph (B) of paragraph (2),  
17 authorizing involuntary treatment with antipsychotic medications.

18 (ii) A computation or statement setting forth the maximum term  
19 of commitment in accordance with subdivision (c).

20 (iii) (I) A computation or statement setting forth the amount of  
21 credit for time served, if any, to be deducted from the maximum  
22 term of commitment.

23 (II) If a certificate of restoration of competency was filed with  
24 the court pursuant to Section 1372 and the court subsequently  
25 rejected the certification, a copy of the court order or minute order  
26 rejecting the certification shall be provided. The court order shall  
27 include a new computation or statement setting forth the amount  
28 of credit for time served, if any, to be deducted from the  
29 defendant's maximum term of commitment based on the court's  
30 rejection of the certification.

31 (iv) State summary criminal history information.

32 (v) Jail classification records for the defendant's current  
33 incarceration.

34 (vi) Arrest reports prepared by the police department or other  
35 law enforcement agency.

36 (vii) Court-ordered psychiatric examination or evaluation  
37 reports.

38 (viii) The community program director's placement  
39 recommendation report.

1 (ix) Records of a finding of mental incompetence pursuant to  
2 this chapter arising out of a complaint charging a felony offense  
3 specified in Section 290 or a pending Section 1368 proceeding  
4 arising out of a charge of a Section 290 offense.

5 (x) Medical records, including jail mental health records.

6 (B) If a defendant is committed to a State Department of State  
7 Hospitals facility, and the department determines that additional  
8 medical or mental health treatment records are needed for  
9 continuity of care, any private or public entity holding medical or  
10 mental health treatment records of that defendant shall release  
11 those records upon receiving a written request from the State  
12 Department of State Hospitals within 10 calendar days after the  
13 request. The private or public entity holding the medical or mental  
14 health treatment records shall comply with all applicable federal  
15 and state privacy laws prior to disclosure. The State Department  
16 of State Hospitals shall not release records obtained during the  
17 admission process under this subdivision, pursuant to Section  
18 1798.68 of the Civil Code, or subdivision (b) of Section 5328 of  
19 the Welfare and Institutions Code.

20 (4) When the defendant is committed to a treatment facility  
21 pursuant to clause (i) of subparagraph (B) of paragraph (1) or the  
22 court makes the findings specified in clause (iii) or (iv) of  
23 subparagraph (B) of paragraph (1) to assign the defendant to a  
24 treatment facility other than a State Department of State Hospitals  
25 facility or other secure treatment facility, the court shall order that  
26 notice be given to the appropriate law enforcement agency or  
27 agencies having local jurisdiction at the placement facility of a  
28 finding of mental incompetence pursuant to this chapter arising  
29 out of a charge of a Section 290 offense.

30 (5) When directing that the defendant be confined in a State  
31 Department of State Hospitals facility pursuant to this subdivision,  
32 the court shall commit the defendant to the State Department of  
33 State Hospitals.

34 (6) (A) If the defendant is committed or transferred to the State  
35 Department of State Hospitals pursuant to this section, the court  
36 may, upon receiving the written recommendation of the medical  
37 director of the State Department of State Hospitals facility and the  
38 community program director that the defendant be transferred to  
39 a public or private treatment facility approved by the community  
40 program director, order the defendant transferred to that facility.

1 If the defendant is committed or transferred to a public or private  
2 treatment facility approved by the community program director,  
3 the court may, upon receiving the written recommendation of the  
4 community program director, transfer the defendant to the State  
5 Department of State Hospitals or to another public or private  
6 treatment facility approved by the community program director.  
7 In the event of dismissal of the criminal charges before the  
8 defendant recovers competence, the person shall be subject to the  
9 applicable provisions of the Lanterman-Petris-Short Act (Part 1  
10 (commencing with Section 5000) of Division 5 of the Welfare and  
11 Institutions Code). If either the defendant or the prosecutor chooses  
12 to contest either kind of order of transfer, a petition may be filed  
13 in the court for a hearing, which shall be held if the court  
14 determines that sufficient grounds exist. At the hearing, the  
15 prosecuting attorney or the defendant may present evidence bearing  
16 on the order of transfer. The court shall use the same standards as  
17 are used in conducting probation revocation hearings pursuant to  
18 Section 1203.2.

19 Prior to making an order for transfer under this section, the court  
20 shall notify the defendant, the attorney of record for the defendant,  
21 the prosecuting attorney, and the community program director or  
22 a designee.

23 (B) If the defendant is initially committed to a State Department  
24 of State Hospitals facility or secure treatment facility pursuant to  
25 clause (iii) or (iv) of subparagraph (B) of paragraph (1) and is  
26 subsequently transferred to any other facility, copies of the  
27 documents specified in paragraph (3) shall be electronically  
28 transferred or taken with the defendant to each subsequent facility  
29 to which the defendant is transferred. The transferring facility shall  
30 also notify the appropriate law enforcement agency or agencies  
31 having local jurisdiction at the site of the new facility that the  
32 defendant is a person subject to clause (iii) or (iv) of subparagraph  
33 (B) of paragraph (1).

34 (7) (A) An order by the court authorizing involuntary  
35 medication of the defendant shall be valid for no more than one  
36 year. The court shall review the order at the time of the review of  
37 the initial report and the six-month progress reports pursuant to  
38 paragraph (1) of subdivision (b) to determine if the grounds for  
39 the authorization remain. In the review, the court shall consider  
40 the reports of the treating psychiatrist or psychiatrists and the

1 defendant's patients' rights advocate or attorney. The court may  
2 require testimony from the treating psychiatrist and the patients'  
3 rights advocate or attorney, if necessary. The court may continue  
4 the order authorizing involuntary medication for up to another six  
5 months, or vacate the order, or make any other appropriate order.

6 (B) Within 60 days before the expiration of the one-year  
7 involuntary medication order, the district attorney, county counsel,  
8 or representative of any facility where a defendant found  
9 incompetent to stand trial is committed may petition the committing  
10 court for a renewal, subject to the same conditions and  
11 requirements as in subparagraph (A). The petition shall include  
12 the basis for involuntary medication set forth in clause (i) of  
13 subparagraph (B) of paragraph (2). Notice of the petition shall be  
14 provided to the defendant, the defendant's attorney, and the district  
15 attorney. The court shall hear and determine whether the defendant  
16 continues to meet the criteria set forth in clause (i) of subparagraph  
17 (B) of paragraph (2). The hearing on a petition to renew an order  
18 for involuntary medication shall be conducted prior to the  
19 expiration of the current order.

20 (8) For purposes of subparagraph (D) of paragraph (2) and  
21 paragraph (7), if the treating psychiatrist determines that there is  
22 a need, based on preserving their rapport with the defendant or  
23 preventing harm, the treating psychiatrist may request that the  
24 facility medical director designate another psychiatrist to act in  
25 the place of the treating psychiatrist. If the medical director of the  
26 facility designates another psychiatrist to act pursuant to this  
27 paragraph, the treating psychiatrist shall brief the acting psychiatrist  
28 of the relevant facts of the case and the acting psychiatrist shall  
29 examine the defendant prior to the hearing.

30 (b) (1) Within 90 days after a commitment made pursuant to  
31 subdivision (a), the medical director of the State Department of  
32 State Hospitals facility or other treatment facility to which the  
33 defendant is confined shall make a written report to the court and  
34 the community program director for the county or region of  
35 commitment, or a designee, concerning the defendant's progress  
36 toward recovery of mental competence and whether the  
37 administration of antipsychotic medication remains necessary.

38 If the defendant is in county custody, the county jail shall provide  
39 access to the defendant for purposes of the State Department of  
40 State Hospitals conducting an evaluation of the defendant pursuant

1 to Section 4335.2 of the Welfare and Institutions Code. Based  
 2 upon this evaluation, the State Department of State Hospitals may  
 3 make a written report to the court within 90 days of a commitment  
 4 made pursuant to subdivision (a) concerning the defendant's  
 5 progress toward recovery of mental competence and whether the  
 6 administration of antipsychotic medication is necessary. If the  
 7 defendant remains in county custody after the initial 90-day report,  
 8 the State Department of State Hospitals may conduct an evaluation  
 9 of the defendant pursuant to Section 4335.2 of the Welfare and  
 10 Institutions Code and make a written report to the court concerning  
 11 the defendant's progress toward recovery of mental competence  
 12 and whether the administration of antipsychotic medication is  
 13 necessary.

14 If the defendant is on outpatient status, the outpatient treatment  
 15 staff shall make a written report to the community program director  
 16 concerning the defendant's progress toward recovery of mental  
 17 competence. Within 90 days of placement on outpatient status, the  
 18 community program director shall report to the court on this matter.  
 19 If the defendant has not recovered mental competence, but the  
 20 report discloses a substantial likelihood that the defendant will  
 21 attain mental competence in the foreseeable future, the defendant  
 22 shall remain in the State Department of State Hospitals facility or  
 23 other treatment facility or on outpatient status. Thereafter, at  
 24 six-month intervals or until the defendant becomes mentally  
 25 competent, if the defendant is confined in a treatment facility, the  
 26 medical director of the State Department of State Hospitals facility  
 27 or person in charge of the facility shall report, in writing, to the  
 28 court and the community program director or a designee regarding  
 29 the defendant's progress toward recovery of mental competence  
 30 and whether the administration of antipsychotic medication remains  
 31 necessary. If the defendant is on outpatient status, after the initial  
 32 90-day report, the outpatient treatment staff shall report to the  
 33 community program director on the defendant's progress toward  
 34 recovery, and the community program director shall report to the  
 35 court on this matter at six-month intervals. A copy of these reports  
 36 shall be provided to the prosecutor and defense counsel by the  
 37 court.

38 (A) If the report indicates that there is no substantial likelihood  
 39 that the defendant will attain mental competence in the foreseeable  
 40 future, custody of the defendant shall be transferred without delay

1 to the committing county and shall remain with the county until  
2 further order of the court. The defendant shall be returned to the  
3 court for proceedings pursuant to paragraph (3) of subdivision (c)  
4 no later than 10 days following receipt of the report. The court  
5 shall not order the defendant returned to the custody of the State  
6 Department of State Hospitals under the same commitment. The  
7 court shall transmit a copy of its order to the community program  
8 director or a designee.

9 (B) If the report indicates that there is no substantial likelihood  
10 that the defendant will attain mental competence in the foreseeable  
11 future, the medical director of the State Department of State  
12 Hospitals facility or other treatment facility to which the defendant  
13 is confined shall do both of the following:

14 (i) Promptly notify and provide a copy of the report to the  
15 defense counsel and the district attorney.

16 (ii) Provide a separate notification, in compliance with  
17 applicable privacy laws, to the committing county's sheriff that  
18 immediate transportation will be needed for the defendant pursuant  
19 to subparagraph (A).

20 (C) If a county does not take custody of a defendant committed  
21 to the State Department of State Hospitals within 10 calendar days  
22 following notification made pursuant to clause (ii) of subparagraph  
23 (B), the county shall be charged the daily rate for a state hospital  
24 bed, as established by the State Department of State Hospitals.

25 (2) The reports made pursuant to paragraph (1) concerning the  
26 defendant's progress toward attaining competency shall also  
27 consider the issue of involuntary medication. Each report shall  
28 include, but not be limited to, all of the following:

29 (A) Whether or not the defendant has the capacity to make  
30 decisions concerning antipsychotic medication.

31 (B) If the defendant lacks the capacity to make decisions  
32 concerning antipsychotic medication, whether the defendant risks  
33 serious harm to their physical or mental health if not treated with  
34 antipsychotic medication.

35 (C) Whether or not the defendant presents a danger to others if  
36 the defendant is not treated with antipsychotic medication.

37 (D) Whether the defendant has a mental disorder for which  
38 medications are the only effective treatment.



1 (E) Whether there are any side effects from the medication  
2 currently being experienced by the defendant that would interfere  
3 with the defendant's ability to collaborate with counsel.

4 (F) Whether there are any effective alternatives to medication.

5 (G) How quickly the medication is likely to bring the defendant  
6 to competency.

7 (H) Whether the treatment plan includes methods other than  
8 medication to restore the defendant to competency.

9 (I) A statement, if applicable, that no medication is likely to  
10 restore the defendant to competency.

11 (3) After reviewing the reports, the court shall determine if  
12 grounds for the involuntary administration of antipsychotic  
13 medication exist, whether or not an order was issued at the time  
14 of commitment, and shall do one of the following:

15 (A) If the original grounds for involuntary medication still exist,  
16 any order authorizing the treating facility to involuntarily  
17 administer antipsychotic medication to the defendant shall remain  
18 in effect.

19 (B) If the original grounds for involuntary medication no longer  
20 exist, and there is no other basis for involuntary administration of  
21 antipsychotic medication, any order for the involuntary  
22 administration of antipsychotic medication shall be vacated.

23 (C) If the original grounds for involuntary medication no longer  
24 exist, and the report states that there is another basis for involuntary  
25 administration of antipsychotic medication, the court shall  
26 determine whether to vacate the order or issue a new order for the  
27 involuntary administration of antipsychotic medication. The court  
28 shall consider the opinions in reports submitted pursuant to  
29 paragraph (1), including any opinions rendered pursuant to Section  
30 4335.2 of the Welfare and Institutions Code. The court may, upon  
31 a showing of good cause, set a hearing within 21 days to determine  
32 whether the order for the involuntary administration of  
33 antipsychotic medication shall be vacated or whether a new order  
34 for the involuntary administration of antipsychotic medication  
35 shall be issued. The hearing shall proceed as set forth in  
36 subparagraph (B) of paragraph (2) of subdivision (a). The court  
37 shall require witness testimony to occur remotely, including clinical  
38 testimony pursuant to subdivision (d) of Section 4335.2 of the  
39 Welfare and Institutions Code. In-person witness testimony shall  
40 only be allowed upon a court's finding of good cause.

(D) If the report states a basis for involuntary administration of antipsychotic medication and the court did not issue such order at the time of commitment, the court shall determine whether to issue an order for the involuntary administration of antipsychotic medication. The court shall consider the opinions in reports submitted pursuant to paragraph (1), including any opinions rendered pursuant to Section 4335.2 of the Welfare and Institutions Code. The court may, upon a finding of good cause, set a hearing within 21 days to determine whether an order for the involuntary administration of antipsychotic medication shall be issued. The hearing shall proceed as set forth in subparagraph (B) of paragraph (2) of subdivision (a). The court shall require witness testimony to occur remotely, including clinical testimony pursuant to subdivision (d) of Section 4335.2 of the Welfare and Institutions Code. In-person witness testimony shall only be allowed upon a court's finding of good cause.

(E) This paragraph also applies to recommendations submitted pursuant to subdivision (e) of Section 1372, when a recommendation is included as to whether an order for the involuntary administration of antipsychotic medications should be extended or issued.

(4) If it is determined by the court that treatment for the defendant's mental impairment is not being conducted, the defendant shall be returned to the committing court, and, if the defendant is not in county custody, returned to the custody of the county. The court shall transmit a copy of its order to the community program director or a designee.

(5) At each review by the court specified in this subdivision, the court shall determine if the security level of housing and treatment is appropriate and may make an order in accordance with its determination. If the court determines that the defendant shall continue to be treated in the State Department of State Hospitals facility or on an outpatient basis, the court shall determine issues concerning administration of antipsychotic medication, as set forth in subparagraph (B) of paragraph (2) of subdivision (a).

(c) (1) At the end of two years from the date of commitment or a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged in the information, indictment, or complaint, or the maximum term

1 of imprisonment provided by law for a violation of probation or  
2 mandatory supervision, whichever is shorter, but no later than 90  
3 days prior to the expiration of the defendant's term of commitment,  
4 a defendant who has not recovered mental competence shall be  
5 returned to the committing court, and custody of the defendant  
6 shall be transferred without delay to the committing county and  
7 shall remain with the county until further order of the court. The  
8 court shall not order the defendant returned to the custody of the  
9 State Department of State Hospitals under the same commitment.  
10 The court shall notify the community program director or a  
11 designee of the return and of any resulting court orders. The  
12 maximum term of commitment applies to the aggregate of all  
13 previous commitments.

14 (2) (A) The medical director of the State Department of State  
15 Hospitals facility or other treatment facility to which the defendant  
16 is confined shall provide notification, in compliance with applicable  
17 privacy laws, to the committing county's sheriff that immediate  
18 transportation will be needed for the defendant pursuant to  
19 paragraph (1).

20 (B) If a county does not take custody of a defendant committed  
21 to the State Department of State Hospitals within 10 calendar days  
22 following notification pursuant to subparagraph (A), the county  
23 shall be charged the daily rate for a state hospital bed, as  
24 established by the State Department of State Hospitals.

25 (3) Whenever a defendant is returned to the court pursuant to  
26 paragraph (1) of this subdivision, subparagraph (D) of paragraph  
27 (1) of subdivision (a), or paragraph (1) or (4) of subdivision (b),  
28 and it appears to the court that the defendant is gravely disabled,  
29 as defined in subparagraph (A) or (B) of paragraph (1) of  
30 subdivision (h) of Section 5008 of the Welfare and Institutions  
31 Code, the court shall order the conservatorship investigator of the  
32 county of commitment of the defendant to initiate conservatorship  
33 proceedings for the defendant pursuant to Chapter 3 (commencing  
34 with Section 5350) of Part 1 of Division 5 of the Welfare and  
35 Institutions Code. Hearings required in the conservatorship  
36 proceedings shall be held in the superior court in the county that  
37 ordered the commitment. The court shall transmit a copy of the  
38 order directing initiation of conservatorship proceedings to the  
39 community program director or a designee, the sheriff and the  
40 district attorney of the county in which criminal charges are

1 pending, and the defendant's counsel of record. The court shall  
2 notify the community program director or a designee, the sheriff  
3 and district attorney of the county in which criminal charges are  
4 pending, and the defendant's counsel of record of the outcome of  
5 the conservatorship proceedings.

6 (4) If a defendant is returned to court pursuant to paragraph (1)  
7 of this subdivision, subparagraph (D) of paragraph (1) of  
8 subdivision (a), or paragraph (1) or (4) of subdivision (b), and the  
9 prosecution elects to dismiss and refile charges pursuant to Section  
10 1387, the court shall presume that the defendant is incompetent  
11 unless the court is presented with relevant and credible evidence  
12 that the defendant is competent. This evidence may include medical  
13 records, witness statements, or reports by qualified medical experts.  
14 If the court is satisfied that it has received substantial evidence  
15 that the defendant is competent, the court shall proceed as provided  
16 in Section 1369. Otherwise, the court shall find that the defendant  
17 is not mentally competent to stand trial and shall proceed as  
18 provided in paragraphs (1) and (3). The court shall not order the  
19 defendant returned to the custody of the State Department of State  
20 Hospitals for the purpose of restoration of competency.

21 (5) If a change in placement is proposed for a defendant who  
22 is committed pursuant to subparagraph (A) or (B) of paragraph  
23 (1) of subdivision (h) of Section 5008 of the Welfare and  
24 Institutions Code, the court shall provide notice and an opportunity  
25 to be heard with respect to the proposed placement of the defendant  
26 to the sheriff and the district attorney of the county in which the  
27 criminal charges or revocation proceedings are pending.

28 (6) If the defendant is confined in a treatment facility, a copy  
29 of any report to the committing court regarding the defendant's  
30 progress toward recovery of mental competence shall be provided  
31 by the committing court to the prosecutor and to the defense  
32 counsel.

33 (d) With the exception of proceedings alleging a violation of  
34 mandatory supervision, or in those instances where the defendant  
35 has been placed under a conservatorship pursuant to subparagraph  
36 (B) of paragraph (1) of subdivision (h) of Section 5008 of the  
37 Welfare and Institutions Code, the criminal action remains subject  
38 to dismissal pursuant to Section 1385. If the criminal action is  
39 dismissed, the court shall transmit a copy of the order of dismissal  
40 to the community program director or a designee. In a proceeding

1 alleging a violation of mandatory supervision, if the person is not  
2 placed under a conservatorship as described in paragraph (3) of  
3 subdivision (c), or if a conservatorship is terminated, the court  
4 shall reinstate mandatory supervision and may modify the terms  
5 and conditions of supervision to include appropriate mental health  
6 treatment or refer the matter to a local mental health court, reentry  
7 court, or other collaborative justice court available for improving  
8 the mental health of the defendant.

9 (e) If the criminal action against the defendant is dismissed, the  
10 defendant shall be released from commitment ordered under this  
11 section, but without prejudice to the initiation of proceedings that  
12 may be appropriate under the Lanterman-Petris-Short Act (Part 1  
13 (commencing with Section 5000) of Division 5 of the Welfare and  
14 Institutions Code).

15 (f) As used in this chapter, “community program director” means  
16 the person, agency, or entity designated by the State Department  
17 of State Hospitals pursuant to Section 1605 of this code and Section  
18 4360 of the Welfare and Institutions Code.

19 (g) For the purpose of this section, “secure treatment facility”  
20 does not include, except for State Department of State Hospitals  
21 facilities, state developmental centers, and correctional treatment  
22 facilities, any facility licensed pursuant to Chapter 2 (commencing  
23 with Section 1250) of, Chapter 3 (commencing with Section 1500)  
24 of, or Chapter 3.2 (commencing with Section 1569) of, Division  
25 2 of the Health and Safety Code, or any community board and care  
26 facility.

27 (h) This section does not preclude a defendant from filing a  
28 petition for habeas corpus to challenge the continuing validity of  
29 an order authorizing a treatment facility or outpatient program to  
30 involuntarily administer antipsychotic medication to a person being  
31 treated as incompetent to stand trial.

32 *SEC. 28. Section 1370.01 of the Penal Code is amended to*  
33 *read:*

34 1370.01. (a) If the defendant is found mentally competent, the  
35 criminal process shall resume, and the trial on the offense charged  
36 or hearing on the alleged violation shall proceed.

37 (b) (1) (A) If the defendant is found mentally incompetent, the  
38 trial, judgment, or hearing on the alleged violation shall be  
39 suspended and the court shall conduct a hearing, pursuant to  
40 Chapter 2.8A (commencing with Section 1001.35) of Title 6, and,

1 if the court deems the defendant eligible, grant diversion pursuant  
2 to Section 1001.36 for a period not to exceed one year from the  
3 date the individual is accepted into diversion or the maximum term  
4 of imprisonment provided by law for the most serious offense  
5 charged in the misdemeanor complaint, whichever is shorter.

6 (B) Notwithstanding any other law, including Section 23640 of  
7 the Vehicle Code, a misdemeanor offense for which a defendant  
8 may be placed in a mental health diversion program in accordance  
9 with this section includes a misdemeanor violation of Section  
10 23152 or 23153 of the Vehicle Code. However, this section does  
11 not limit the authority of the Department of Motor Vehicles to take  
12 administrative action concerning the driving privileges of a person  
13 arrested for a violation of Section 23152 or 23153 of the Vehicle  
14 Code.

15 (2) The hearing shall be held no later than 30 days after the  
16 finding of incompetence. If the hearing is delayed beyond 30 days,  
17 the court shall order the defendant to be released on their own  
18 recognizance pending the hearing.

19 (3) If the defendant performs satisfactorily on diversion pursuant  
20 to this section, at the end of the period of diversion, the court shall  
21 dismiss the criminal charges that were the subject of the criminal  
22 proceedings at the time of the initial diversion.

23 (4) If the court finds the defendant ineligible for diversion based  
24 ~~on the circumstances set forth in subdivision (b), (c), (d), or (g) of~~  
25 ~~Section 1001.36, or unsuitable for diversion pursuant to~~  
26 ~~subdivision (b), (c), or (d) of Section 1001.36 or if any of the~~  
27 ~~conditions described in subdivision (g) of Section 1001.36 are~~  
28 *present*, the court shall, after notice to the defendant, defense  
29 counsel, and the prosecution, hold a hearing to determine which  
30 one of the following actions the court will take:

31 (A) Order modification of an existing mental health diversion  
32 treatment plan in accordance with a recommendation from the  
33 treatment provider.

34 (B) Refer the defendant to assisted outpatient treatment pursuant  
35 to Section 5346 of the Welfare and Institutions Code. A referral  
36 to assisted outpatient treatment may only occur in a county where  
37 services are available pursuant to Section 5348 of the Welfare and  
38 Institutions Code, and the agency agrees to accept responsibility  
39 for treatment of the defendant. A hearing to determine eligibility  
40 for assisted outpatient treatment shall be held within 45 days after

1 the finding of incompetency. If the hearing is delayed beyond 45  
2 days, the court shall order the defendant, if confined in county jail,  
3 to be released on their own recognizance pending that hearing. If  
4 the defendant is accepted into assisted outpatient treatment, the  
5 charges shall be dismissed pursuant to Section 1385 six months  
6 after the date of the referral to assisted outpatient treatment, unless  
7 the defendant's case has been referred back to the court prior to  
8 the expiration of that time period. This section does not alter the  
9 confidential nature of assisted outpatient treatment.

10 (C) Refer the defendant to the county conservatorship  
11 investigator in the county of commitment for possible  
12 conservatorship proceedings for the defendant pursuant to Chapter  
13 3 (commencing with Section 5350) of Part 1 of Division 5 of the  
14 Welfare and Institutions Code. A defendant shall only be referred  
15 to the conservatorship investigator if, based on the opinion of a  
16 qualified mental health expert, the defendant appears to be gravely  
17 disabled, as defined in subparagraph (A) of paragraph (1) of  
18 subdivision (h) of Section 5008 of the Welfare and Institutions  
19 Code. Any hearings required in the conservatorship proceedings  
20 shall be held in the superior court in the county of commitment.  
21 The court shall transmit a copy of the order directing initiation of  
22 conservatorship proceedings to the county mental health director  
23 or the director's designee and shall notify the county mental health  
24 director or their designee of the outcome of the proceedings. Before  
25 establishing a conservatorship, the public guardian shall investigate  
26 all available alternatives to conservatorship pursuant to Section  
27 5354 of the Welfare and Institutions Code. If a petition is not filed  
28 within 30 days of the referral, the court shall order the defendant,  
29 if confined in county jail, to be released on their own recognizance  
30 pending conservatorship proceedings. If the outcome of the  
31 conservatorship proceedings results in the filing of a petition for  
32 the establishment of a temporary or permanent conservatorship,  
33 the charges shall be dismissed pursuant to Section 1385 90 days  
34 after the date of the filing of the petition, unless the defendant's  
35 case has been referred back to the court prior to the expiration of  
36 that time period. This section does not alter the confidential nature  
37 of conservatorship proceedings.

38 (D) Refer the defendant to the CARE program pursuant to  
39 Section 5978 of the Welfare and Institutions Code. A hearing to  
40 determine eligibility for CARE shall be held within 14 court days

1 after the date on which the petition for the referral is filed. If the  
2 hearing is delayed beyond 14 court days, the court shall order the  
3 defendant, if confined in county jail, to be released on their own  
4 recognizance pending that hearing. If the defendant is accepted  
5 into CARE, the charges shall be dismissed pursuant to Section  
6 1385 six months after the date of the referral to CARE, unless the  
7 defendant's case has been referred back to the court prior to the  
8 expiration of that time period. This section does not alter the  
9 confidential nature of CARE program proceedings.

10 (E) If the defendant does not qualify for services pursuant to  
11 subparagraphs (A) to (D), inclusive, dismiss the charges.

12 (c) It is the intent of the Legislature that a defendant subject to  
13 the terms of this section receive mental health treatment in a  
14 treatment facility and not a jail. A term of four days will be deemed  
15 to have been served for every two days spent in actual custody  
16 against the maximum period of treatment pursuant to subparagraphs  
17 (B) and (D) of paragraph (4) of subdivision (b) and subparagraph  
18 (A) of paragraph (1) of subdivision (b), if applicable. A defendant  
19 not in actual custody shall otherwise receive day for day credit  
20 against the term of treatment from the date the defendant is  
21 accepted into treatment in the event that the criminal charges have  
22 not previously been dismissed. "Actual custody" has the same  
23 meaning as in Section 4019.

24 (d) This section shall apply only as provided in subdivision (b)  
25 of Section 1367.

26 (e) It is the intent of the Legislature that the court shall consider  
27 all treatment options as provided in this section prior to dismissing  
28 criminal charges. However, nothing in this section limits a court's  
29 discretion pursuant to Section 1385.

30 *SEC. 29. Section 1463.007 of the Penal Code is amended to*  
31 *read:*

32 1463.007. (a) Notwithstanding any other law, a county or court  
33 that operates a comprehensive collection program may deduct the  
34 costs of operating that program, excluding capital expenditures,  
35 from any revenues collected under that program. The costs shall  
36 be deducted before any distribution of revenues to other  
37 governmental entities required by any other law. A county or court  
38 operating a comprehensive collection program may establish a  
39 minimum base fee, fine, forfeiture, penalty, or assessment amount  
40 for inclusion in the program.



1 (b) Once debt becomes delinquent, it continues to be delinquent  
2 and may be subject to collection by a comprehensive collection  
3 program. Debt is delinquent and subject to collection by a  
4 comprehensive collection program if any of the following  
5 conditions is met:

6 (1) A defendant does not post bail or appear on or before the  
7 date on which the defendant promised to appear, or any lawful  
8 continuance of that date, if that defendant was eligible to post and  
9 forfeit bail.

10 (2) A defendant does not pay the amount imposed by the court  
11 on or before the date ordered by the court, or any lawful  
12 continuance of that date.

13 (3) A defendant has failed to make an installment payment on  
14 the date specified by the court.

15 (c) For the purposes of this section, a “comprehensive collection  
16 program” is a separate and distinct revenue collection activity that  
17 meets each of the following criteria:

18 (1) The program identifies and collects amounts arising from  
19 delinquent court-ordered debt, whether or not a warrant has been  
20 issued against the alleged violator.

21 (2) The program complies with the requirements of subdivision  
22 (b) of Section 1463.010.

23 (3) The program engages in each of the following activities:

24 (A) Attempts telephone contact with delinquent debtors for  
25 whom the program has a telephone number to inform them of their  
26 delinquent status and payment options.

27 (B) Notifies delinquent debtors for whom the program has an  
28 address in writing of their outstanding obligation within 95 days  
29 of delinquency.

30 (C) Generates internal monthly reports to track collections data,  
31 such as age of debt and delinquent amounts outstanding.

32 (D) Uses Department of Motor Vehicles information to locate  
33 delinquent debtors.

34 (E) Accepts payment of delinquent debt by credit card.

35 (4) The program engages in at least five of the following  
36 activities:

37 (A) Sends delinquent debt to the Franchise Tax Board’s  
38 Court-Ordered Debt Collections Program.

39 (B) Sends delinquent debt to the Franchise Tax Board’s  
40 Interagency Intercept Collections Program.

1 ~~(C) Initiates driver's license suspension or hold actions when~~  
2 ~~appropriate for a failure to appear in court.~~

3 ~~(D)~~

4 (C) Contracts with one or more private debt collectors to collect  
5 delinquent debt.

6 ~~(E)~~

7 (D) Sends monthly bills or account statements to all delinquent  
8 debtors.

9 ~~(F)~~

10 (E) Contracts with local, regional, state, or national skip tracing  
11 or locator resources or services to locate delinquent debtors.

12 ~~(G)~~

13 (F) Coordinates with the probation department to locate debtors  
14 who may be on formal or informal probation.

15 ~~(H)~~

16 (G) Uses Employment Development Department employment  
17 and wage information to collect delinquent debt.

18 ~~(I)~~

19 (H) Establishes wage and bank account garnishments where  
20 appropriate.

21 ~~(J)~~

22 (I) Places liens on real property owned by delinquent debtors  
23 when appropriate.

24 ~~(K)~~

25 (J) Uses an automated dialer or automatic call distribution  
26 system to manage telephone calls.

27 (d) A comprehensive collection program shall also administer  
28 nondelinquent installment payment plans ordered pursuant to  
29 Section 68645.2 of the Government Code, and may recover up to  
30 and including thirty-five dollars (\$35) per nondelinquent  
31 installment plan.

32 *SEC. 30. Section 1473.1 of the Penal Code is amended to read:*

33 1473.1. The Judicial Council shall promulgate standards for  
34 appointment of private counsel in superior court for claims filed  
35 pursuant to subdivision ~~(f)~~ (e) of Section 1473 ~~of the Penal Code~~  
36 by individuals who are not sentenced to death. These standards  
37 shall include a minimum requirement of 10 hours of training in  
38 the California Racial Justice Act of 2020. The training required  
39 by this section shall meet the requirements for Minimum  
40 Continuing Legal Education credit approved by the State Bar of

1 California. Appointment standards for counsel where an individual  
2 has been sentenced to death shall be consistent with existing  
3 standards set forth in the California Rules of Court.

4 *SEC. 31. Section 2052 of the Penal Code is amended to read:*

5 2052. (a) The department shall have power to contract for the  
6 supply of electricity, gas and water for ~~said the~~ prisons, upon ~~such~~  
7 ~~terms as the department shall deem to be for~~ *deems in* the best  
8 interests of the state, or to manufacture gas or electricity, or furnish  
9 water itself, at its option. It shall also have power to erect and  
10 construct or cause to be erected and constructed, electrical  
11 apparatus or other illuminating works in its discretion with or  
12 without contracting therefor, on ~~such terms as it may deem~~ *terms*  
13 *it deems* just. The department shall have full power to erect any  
14 building or structure deemed necessary by it, or to alter or improve  
15 the same, and to pay for the same from the fund appropriated for  
16 the use or support of the prisons, or from the earnings thereof,  
17 without advertising or contracting therefor.

18 (b) With respect to any facility under the jurisdiction of the  
19 ~~Prison—Industry~~ *California Correctional Training and*  
20 *Rehabilitation* Authority, the ~~Prison—Industry~~ *California*  
21 *Correctional Training and Rehabilitation* Authority shall have the  
22 same powers ~~which that~~ are vested in the department pursuant to  
23 subdivision (a).

24 *SEC. 32. Section 2056 of the Penal Code is amended to read:*

25 2056. If any of the shops or buildings in which convicts are  
26 employed require rebuilding or repair for any reason, they may be  
27 rebuilt or repaired immediately, under the direction of the ~~Prison~~  
28 ~~Industry~~ *California Correctional Training and Rehabilitation*  
29 *Authority*.

30 *SEC. 33. Section 2700 of the Penal Code is amended to read:*

31 2700. (a) The Department of Corrections *and Rehabilitation*  
32 shall require of every able-bodied prisoner imprisoned in any state  
33 prison as many hours of faithful labor in each day and every day  
34 during ~~his or her~~ *the prisoner's* term of imprisonment as shall be  
35 prescribed by the rules and regulations of the ~~Director of~~  
36 ~~Corrections~~ *Secretary of the Department of Corrections and*  
37 *Rehabilitation*.

38 ~~Whenever by~~

39 (b) ~~When any statute a price is required~~ *requires a price* to be  
40 fixed for any services to be performed in connection with the work

1 program of the Department of ~~Corrections~~, *Corrections and*  
2 *Rehabilitation*, the compensation paid to prisoners shall be included  
3 as an item of cost in fixing the final statutory price.

4 ~~Prisoners~~

5 (c) *Prisoners* not engaged on work programs under the  
6 jurisdiction of the ~~Prison Industry~~ *California Correctional Training*  
7 *and Rehabilitation* Authority, but who are engaged in productive  
8 labor outside of such programs may be compensated in like  
9 manner. The compensation of ~~such the~~ prisoners shall be paid  
10 either out of funds appropriated by the Legislature for that purpose  
11 or out of such other funds available to the Department of  
12 *Corrections and Rehabilitation* for expenditure, as the Director of  
13 Finance may direct.

14 ~~When any~~

15 (d) *When a* prisoner escapes, the ~~director~~ *secretary* shall  
16 determine what portion of ~~his or her the~~ *prisoner's* earnings shall  
17 be forfeited and ~~such the~~ forfeiture shall be deposited in the State  
18 Treasury in a fund known as the Inmate Welfare Fund of the  
19 Department of ~~Corrections~~. *Corrections and Rehabilitation*.

20 SEC. 34. Section 2701 of the Penal Code is amended to read:

21 2701. (a) The Department of *Corrections and Rehabilitation*  
22 is hereby authorized and empowered to cause the prisoners in the  
23 state prisons of this state to be employed in the rendering of  
24 services as are now, or may hereafter be, needed by the state, or  
25 any political subdivision thereof, or that may be needed for any  
26 state, county, district, municipal, school, or other public use, or  
27 that may be needed by any public institution of the state or of any  
28 political subdivision thereof, or that may be needed for use by the  
29 federal government, or any department, agency, or corporation  
30 thereof, or that may be needed for use by the government of any  
31 other state, or any department, agency, or corporation thereof,  
32 except for services provided by enterprises under the jurisdiction  
33 of the ~~Prison Industry~~ *California Correctional Training and*  
34 *Rehabilitation* Authority. The Department of *Corrections and*  
35 *Rehabilitation* may enter into contracts for the purposes of this  
36 article.

37 (b) The Department of *Corrections and Rehabilitation* may  
38 cause prisoners in the prisons of this state to be employed in the  
39 rendering of emergency services for the preservation of life or  
40 property within the state, whether that property is owned by public

1 entities or private citizens, when a county level state of emergency  
2 has been declared due to a natural disaster and the local governing  
3 board has requested the assistance of the Department of  
4 ~~Corrections~~. *Corrections and Rehabilitation*.

5 SEC. 35. *Section 2716.5 of the Penal Code is amended to read:*

6 2716.5. (a) There is hereby established the ~~Pre-Release~~  
7 *Prerelease* Construction Trades Certificate Program, hereinafter  
8 referred to in this section as “the program,” in the Department of  
9 Corrections and Rehabilitation, hereinafter referred to in this  
10 section as the “department,” to increase employment opportunities  
11 in the construction trades for inmates upon release.

12 (b) The department shall establish a joint advisory committee  
13 for the purpose of implementation of the program. The committee  
14 shall be composed of representatives from building and  
15 construction trades employee organizations, the State Building  
16 and Construction Trades Council of California, joint apprenticeship  
17 training programs, the ~~Prison Industry~~ *California Correctional*  
18 *Training and Rehabilitation* Authority, the Division of  
19 Apprenticeship Standards, the Labor and Workforce Development  
20 Agency, and any other representatives the department determines  
21 appropriate. The responsibilities of the committee shall include,  
22 but are not be limited to, the following:

23 (1) Develop guidelines for the participation of inmates in  
24 preapprenticeship training programs, as described in subdivision  
25 (e) of Section 14230 of the Unemployment Insurance Code. The  
26 guidelines shall provide for the integration, for all inmate  
27 preapprenticeship training programs in the building and  
28 construction trades, of the multicraft core curriculum implemented  
29 by the State Department of Education for its California Partnership  
30 Academies pilot project and by the California Workforce  
31 Development Board and local boards.

32 (2) Develop and implement a ~~pre-release~~ *prerelease* construction  
33 trades certification that validates that an inmate completed  
34 instruction, skills, and competencies required by and recognized  
35 by the participating building and construction trades.

36 (3) Ensure compliance with any applicable requirements and  
37 regulations of the Division of Apprenticeship Standards.

38 (4) Evaluate ~~pre-release~~ *prerelease* on-the-job training  
39 opportunities to compare and match competencies with those of  
40 registered apprentices in the building and construction trades.

1 (5) Explore the feasibility of the electronic tracking of each  
2 participating inmate's relevant activities to efficiently capture  
3 competencies related to the certification.

4 (6) Explore the ~~pre-release~~ *prerelease* awarding of formal credit  
5 for apprenticeship hours recognized by joint apprenticeship training  
6 programs and the Division of Apprenticeship Standards.

7 (7) Facilitate the admission of graduates of inmate  
8 preapprenticeship programs, after release, into state-approved  
9 apprenticeship programs and for apprenticeship programs to  
10 evaluate such individuals for admission with advanced standing  
11 based on prior coursework and work experience.

12 *SEC. 36. Section 2800 of the Penal Code is amended to read:*

13 2800. ~~Commencing July 1, 2005, there~~ *There* is hereby  
14 continued in existence within the Department of Corrections and  
15 Rehabilitation the ~~Prison Industry Authority~~. *California*  
16 *Correctional Training and Rehabilitation Authority*. As used in  
17 this article, "authority" means the ~~Prison Industry Authority~~.  
18 ~~Commencing July 1, 2005, any~~ *California Correctional Training*  
19 *and Rehabilitation Authority*. Any reference to the Department of  
20 Corrections shall refer to the Department of Corrections and  
21 Rehabilitation.

22 *SEC. 37. Section 2800.5 is added to the Penal Code, to read:*

23 2800.5. *The Prison Industry Authority shall be known as the*  
24 *California Correctional Training and Rehabilitation Authority.*  
25 *Any reference to the Prison Industry Authority in this or any other*  
26 *code shall be construed to mean the California Correctional*  
27 *Training and Rehabilitation Authority.*

28 *SEC. 38. Section 2801 of the Penal Code is amended to read:*

29 2801. The purposes of the authority are:

30 (a) To develop and operate industrial, agricultural, and service  
31 enterprises employing prisoners in institutions under the  
32 jurisdiction of the Department of ~~Corrections~~, *Corrections and*  
33 *Rehabilitation*, which enterprises may be located either within  
34 those institutions or elsewhere, all as may be determined by the  
35 authority.

36 (b) To create and maintain working conditions within the  
37 enterprises as much like those which prevail in private industry as  
38 possible, to ~~assure~~ *ensure* prisoners employed therein the  
39 opportunity to work productively, to earn funds, and to acquire or  
40 improve effective work habits and occupational skills.

(c) To operate a work program for prisoners ~~which~~ *that* will ultimately be self-supporting by generating sufficient funds from the sale of products and services to pay all the expenses of the program, and one ~~which~~ *that* will provide goods and services ~~which~~ *that* are or will be used by the Department of ~~Corrections,~~ *Corrections and Rehabilitation*, thereby reducing the cost of its operation.

(1) This subdivision does not require immediate cash availability for funding retiree health care and pension liabilities above amounts established in the Budget Act, or as determined by the Board of Administration of the Public Employees' Retirement System, or the Director of Finance for the fiscal year.

(2) The ~~Prison Industry~~ *California Correctional Training and Rehabilitation* Authority shall not establish cash reserves to support funding retiree health care and pension liabilities above the amounts specified in paragraph (1).

SEC. 39. *Section 2802 of the Penal Code is amended to read:*

2802. Commencing July 1, 2005, there is hereby continued in existence within the Department of Corrections and Rehabilitation a ~~Prison Industry~~ *California Correctional Training and Rehabilitation* Board. The board shall consist of the following 11 members:

(a) The Secretary of the Department of Corrections and Rehabilitation, or ~~his or her~~ *their* designee.

(b) The Director of the Department of General Services, or ~~his or her~~ *their* designee.

(c) The Secretary of Transportation, or ~~his or her~~ *their* designee.

(d) The Speaker of the Assembly shall appoint two members to represent the general public.

(e) The Senate Committee on Rules shall appoint two members to represent the general public.

(f) The Governor shall appoint four members. Of these, two shall be representatives of organized labor, and two shall be representatives of industry. The initial term of one of the members appointed by the Speaker of the Assembly shall be two years, and the initial term of the other shall be three years. The initial term of one of the members appointed by the Senate Committee on Rules shall be two years, and the initial term of the other shall be three years. The initial terms of the four members appointed by the Governor shall be four years. All subsequent terms of all

1 members shall be for four years. Each member's term shall  
2 continue until the appointment and qualification of ~~his or her~~ *their*  
3 successor.

4 *SEC. 40. Section 2804 of the Penal Code is amended to read:*

5 2804. The appointed members of the board shall receive a per  
6 diem to be determined by the chairperson, but not less than the  
7 usual per diem rate allowed to the Department of Corrections and  
8 Rehabilitation employees during travel out of state. All members,  
9 including the chairperson, shall also receive their actual and  
10 necessary expenses of travel incurred in attending meetings of the  
11 commission and in making investigations, either as a board or  
12 individually as members of the board at the request of the  
13 chairperson. All the expenses shall be paid from the ~~Prison~~  
14 ~~Industries~~ *California Correctional Training and Rehabilitation*  
15 *Revolving Fund*.

16 *SEC. 41. Section 2806 of the Penal Code is amended to read:*

17 2806. (a) There is hereby constituted a permanent revolving  
18 fund in the sum of not less than seven hundred thirty thousand  
19 dollars (\$730,000), to be known as the ~~Prison Industries~~ *California*  
20 *Correctional Training and Rehabilitation* Revolving Fund, and to  
21 be used to meet the expenses necessary in the purchasing of  
22 materials and equipment, salaries, construction and cost of  
23 administration of the prison industries program. The fund may  
24 also be used to refund deposits either erroneously made or made  
25 in cases where delivery of products cannot be consummated. The  
26 fund shall at all times contain the amount of at least seven hundred  
27 thirty thousand dollars (\$730,000), either in cash or in receivables,  
28 consisting of raw materials, finished or unfinished products,  
29 inventory at cost, equipment, or any combination of the above.  
30 Money received from the rendering of services or the sale of  
31 products in the prisons and institutions under the jurisdiction of  
32 the Department of Corrections and Rehabilitation pursuant to this  
33 article shall be paid to the State Treasurer monthly and shall be  
34 credited to the fund. At any time that the Secretary of the  
35 Department of Corrections and Rehabilitation and the Director of  
36 Finance jointly determine that the balance in that revolving fund  
37 is greater than is necessary to carry out the purposes of the  
38 authority, they shall so inform the Controller and request a transfer  
39 of the unneeded balance from the revolving fund to the General  
40 Fund of the State of California. The Controller is authorized to



1 transfer balances upon request. Funds deposited in the revolving  
2 fund are not subject to annual appropriation by the Legislature and  
3 may be used without a time limit by the authority.

4 ~~The Prison Industries Revolving California~~

5 (b) *The California Correctional Training and Rehabilitation*  
6 *Revolving* Fund is not subject to the provisions of Articles 2  
7 (commencing with Section 13320) and 3 (commencing with  
8 Section 13335) of Chapter 3 of Part 3 of Division 3 of Title 2 of  
9 the Government Code.

10 ~~Any~~

11 (c) *Any* major capital outlay project undertaken by the authority  
12 pursuant to this article shall be subject to review by the Public  
13 Works Board pursuant to the provisions of Part 10.5 (commencing  
14 with Section 15752) of Division 3 of Title 2 of the Government  
15 Code.

16 SEC. 42. *Section 2808 of the Penal Code is amended to read:*

17 2808. The board, in the exercise of its duties, shall have all of  
18 the powers and do all of the things that the board of directors of a  
19 private corporation would do, except as specifically limited in this  
20 article, including, but not limited to, all of the following:

21 (a) To enter into contracts and leases, execute leases, pledge  
22 the equipment, inventory, and supplies under the control of the  
23 authority and the anticipated future receipts of any enterprise under  
24 the jurisdiction of the authority as collateral for loans, and execute  
25 other necessary instruments and documents.

26 (b) To ensure that all funds received by the authority are kept  
27 in commercial accounts according to standard accounting practices.

28 (c) To arrange for an independent annual audit.

29 (d) To review and approve the annual budget for the authority,  
30 in order to ensure that the solvency of the ~~Prison Industries~~  
31 *California Correctional Training and Rehabilitation* Revolving  
32 Fund is maintained.

33 (1) This subdivision does not require immediate cash availability  
34 for funding retiree health care and pension liabilities above amounts  
35 established in the Budget Act, or as determined by the Board of  
36 Administration of the Public Employees' Retirement System, or  
37 the Director of Finance for the fiscal year.

38 (2) ~~The Prison Industry~~ *California Correctional Training and*  
39 *Rehabilitation* Authority shall not establish cash reserves to support

1 funding retiree health care and pension liabilities above the  
2 amounts specified in paragraph (1).

3 (e) To contract to employ a ~~general manager~~ *director* to serve  
4 as the chief administrative officer of the authority. The ~~general~~  
5 ~~manager~~ *director* shall serve at the pleasure of the chairperson.  
6 The ~~general manager~~ *director* shall have wide and successful  
7 experience with a productive enterprise, and have a demonstrated  
8 appreciation of the problems associated with prison management.

9 (f) To apply for and administer grants and contracts of all kinds.

10 (g) To establish, notwithstanding any other ~~provision of law,~~  
11 procedures governing the purchase of raw materials, component  
12 parts, and any other goods and services ~~which~~ *that* may be needed  
13 by the authority or in the operation of any enterprise under its  
14 jurisdiction. Those procedures shall contain provisions for appeal  
15 to the board from any action taken in connection with them.

16 (h) To establish, expand, diminish, or discontinue industrial,  
17 agricultural, and service enterprises under the authority's  
18 jurisdiction to enable it to operate as a self-supporting enterprise,  
19 to provide as much employment for inmates as is feasible, and to  
20 provide diversified work activities to minimize the impact on  
21 existing private industry in the state.

22 (i) To hold public hearings pursuant to subdivision (h) to provide  
23 an opportunity for persons or organizations who may be affected  
24 to appear and present testimony concerning the plans and activities  
25 of the authority. The authority shall ensure adequate public notice  
26 of those hearings. A new industrial, agricultural, or service  
27 enterprise that involves a gross annual production of more than  
28 fifty thousand dollars (\$50,000) shall not be established unless and  
29 until a hearing concerning the enterprise has been held by a  
30 committee of persons designated by the board including at least  
31 two board members. The board shall take into consideration the  
32 effect of a proposed enterprise on California industry and shall not  
33 approve the establishment of the enterprise if the board determines  
34 it would have a comprehensive and substantial adverse impact on  
35 California industry that cannot be mitigated.

36 (j) To periodically determine the prices at which activities,  
37 supplies, and services shall be sold.

38 (k) To report to the Legislature in writing, on or before February  
39 1 of each year, regarding:

1 (1) The financial activity and condition of each enterprise under  
2 its jurisdiction.

3 (2) The plans of the board regarding any significant changes in  
4 existing operations.

5 (3) The plans of the board regarding the development of new  
6 enterprises.

7 (4) A breakdown, by institution, of the number of prisoners at  
8 each institution, working in enterprises under the jurisdiction of  
9 the authority, said number to indicate the number of prisoners who  
10 are not working full time.

11 *SEC. 43. Section 2810.5 of the Penal Code is amended to read:*

12 2810.5. Notwithstanding any other ~~provision of~~ law,  
13 commencing July 1, 2005, the Pooled Money Investment Board,  
14 or its successor, may grant loans to the authority when money is  
15 appropriated for that purpose by the Legislature, upon application  
16 by the Secretary of the Department of Corrections and  
17 Rehabilitation, in order to finance the establishment of a new  
18 industrial, agricultural, or service enterprise. All loans shall bear  
19 the same interest rate as the pooled money market investment rate  
20 and shall have a maximum repayment period of 20 years from the  
21 date of approval of the loan.

22 Prior to making its decision to grant a loan, the Pooled Money  
23 Investment Board, or its successor, shall require the authority to  
24 demonstrate all of the following:

25 (a) The proposed industry project cannot be feasibly financed  
26 from private sources under Section 2810. The authority shall  
27 present proposed loan conditions from at least two private sources.

28 (b) The proposed industry project cannot feasibly be financed  
29 from proceeds from other ~~Prison Industry~~ *California Correctional*  
30 *Training and Rehabilitation* Authority enterprises.

31 (c) The proceeds from the proposed project provide for a  
32 reasonable payback schedule to the General Fund.

33 *SEC. 44. Section 2811 of the Penal Code is amended to read:*

34 2811. (a) Commencing July 1, 2005, the ~~general manager~~  
35 *director* shall adopt and maintain a compensation schedule for  
36 inmate employees. That compensation schedule shall be based on  
37 quantity and quality of work performed and shall be required for  
38 its performance, but in no event shall that compensation exceed  
39 one-half the minimum wage provided in Section 1182 of the Labor

1 Code, except as otherwise provided in this code. This compensation  
2 shall be credited to the account of the inmate.

3 ~~Inmate~~

4 (b) ~~Inmate~~ compensation shall be paid from the ~~Prison Industries~~  
5 *California Correctional Training and Rehabilitation* Revolving  
6 Fund.

7 *SEC. 45. Section 2816 of the Penal Code is amended to read:*

8 2816. (a) With the approval of the Department of Finance,  
9 there shall be transferred to, or deposited in, the ~~Prison Industries~~  
10 *California Correctional Training and Rehabilitation* Revolving  
11 Fund for purposes authorized by this section, money appropriated  
12 from any source including sources other than state appropriations.

13 (b) Notwithstanding subdivision (i) of Section 2808, the  
14 Secretary of the Department of Corrections and Rehabilitation  
15 may order any authorized public works project involving the  
16 construction, renovation, or repair of prison facilities to be  
17 performed by inmate labor or juvenile justice facilities to be  
18 performed by ward labor, when the total expenditure does not  
19 exceed the project limit established by the first paragraph of Section  
20 10108 of the Public Contract Code. Projects entailing expenditure  
21 of greater than the project limit established by the first paragraph  
22 of Section 10108 of the Public Contract Code shall be reviewed  
23 and approved by the chairperson, in consultation with the board.

24 (c) Money so transferred or deposited shall be available for  
25 expenditure by the department for the purposes for which  
26 appropriated, contributed, or made available, without regard to  
27 fiscal years and irrespective of the provisions of Sections 13340  
28 and 16304 of the Government Code. Money transferred or  
29 deposited pursuant to this section shall be used only for purposes  
30 authorized in this section.

31 *SEC. 46. Section 2817 of the Penal Code is amended to read:*

32 2817. The Inmate and Ward Construction Revolving Account  
33 is hereby created in the ~~Prison Industries~~ *California Correctional*  
34 *Training and Rehabilitation* Revolving Fund, established in Section  
35 2806, to receive funds transferred or deposited for the purposes  
36 described in Section 2816.

37 *SEC. 47. Section 2818 of the Penal Code is amended to read:*

38 2818. The New Industries Revolving Account is hereby created  
39 in the ~~Prison Industries~~ *California Correctional Training and*  
40 *Rehabilitation* Revolving Fund to receive General Fund or other

1 public money transferred or deposited for the purpose of financing  
2 new enterprises or the expansion of existing enterprises. Money  
3 in the fund may be disbursed by the board subject to the conditions  
4 prescribed in Section 2810.5.

5 *SEC. 48. Section 4497.50 of the Penal Code is amended to*  
6 *read:*

7 4497.50. In order to be eligible to receive funds derived from  
8 the issuance of General Obligation Bonds under the County  
9 Correctional Facility Capital Expenditure and Youth Facility Bond  
10 Act of 1988, a county or city and county shall do all of the  
11 following:

12 (a) In the design and planning of facilities whose construction,  
13 reconstruction, or remodeling is financed under the County  
14 Correctional Facility Capital Expenditure and Youth Facility Bond  
15 Act of 1988, products for construction, renovation, equipment,  
16 and furnishings produced and sold by the ~~Prison Industry~~  
17 *California Correctional Training and Rehabilitation* Authority or  
18 local Jail Industry ~~Authorities~~ *Authority* shall be utilized in the  
19 plans and specifications unless the county or city and county  
20 demonstrates either of the following to the satisfaction of the Board  
21 of State and Community Corrections or the Department of  
22 Corrections and Rehabilitation, Division of Juvenile Justice.

23 (1) The products cannot be produced and delivered without  
24 causing delay to the construction of the property.

25 (2) The products are not suitable for the facility or competitively  
26 priced and cannot otherwise be reasonably adapted.

27 (b) Counties and cities and counties shall consult with the staff  
28 of the ~~Prison Industry~~ *California Correctional Training and*  
29 *Rehabilitation* Authority or local Jail Industry Authority to develop  
30 new products and adapt existing products to their needs.

31 (c) The Board of State and Community Corrections or the  
32 Department of Corrections and Rehabilitation, Division of Juvenile  
33 Justice, shall not enter into any contract with any county or city  
34 and county until that county's or city and county's plan for  
35 purchase from and consultation with the ~~Prison Industry~~ *California*  
36 *Correctional Training and Rehabilitation* Authority or local jail  
37 industry program is reviewed and approved by the Board of State  
38 and Community Corrections or the Department of Corrections and  
39 Rehabilitation, Division of Juvenile Justice.

1     *SEC. 49. Section 4497.52 of the Penal Code is amended to*  
2     *read:*

3     4497.52. Notwithstanding any other ~~provision of law~~, a county  
4     or city and county may contract for the purchase of products as  
5     specified in Section 4497.50 with the ~~Prison Industry~~ *California*  
6     *Correctional Training and Rehabilitation* Authority or local Jail  
7     Industry Authority without the formality of obtaining bids or  
8     otherwise complying with provisions of the Public Contract Code.

9     *SEC. 50. Section 4497.54 of the Penal Code is amended to*  
10    *read:*

11    4497.54. The ~~Prison Industry~~ *California Correctional Training*  
12    *and Rehabilitation* Authority shall designate an individual as  
13    County Jail and Juvenile Facility Liaison who shall work with  
14    counties to maximize the utilization of ~~Prison Industry~~ *California*  
15    *Correctional Training and Rehabilitation* Authority products for  
16    construction, renovation, equipment, and furnishing, to ensure that  
17    manufactured products meet the contract specifications and delivery  
18    dates, and to ~~assure~~ *ensure* consultation with counties for  
19    development of new products and adaption of existing products  
20    to meet their needs.

21    *SEC. 51. Section 4497.56 of the Penal Code is amended to*  
22    *read:*

23    4497.56. It is the intent of the Legislature to maximize the  
24    utilization of ~~Prison Industry~~ *California Correctional Training*  
25    *and Rehabilitation* Authority products for jail construction,  
26    renovation, equipment, and furnishings to ensure that prisoners  
27    work productively and contribute to reducing the cost to the  
28    taxpayers of their incarceration.

29    **SECTION 1.**

30    *SEC. 52. Section 6025 of the Penal Code is amended to read:*

31    6025. (a) Commencing July 1, 2012, the Board of State and  
32    Community Corrections shall be composed of 12 members, as  
33    follows:

34    (1) The Chair of the Board of State and Community Corrections,  
35    who shall be the Secretary of the Department of Corrections and  
36    Rehabilitation.

37    (2) The Director of the Division of Adult Parole Operations for  
38    the Department of Corrections and Rehabilitation.

39    (3) A county sheriff in charge of a local detention facility which  
40    has a Corrections Standards Authority rated capacity of 200 or

1 fewer inmates, appointed by the Governor, subject to Senate  
2 confirmation.

3 (4) A county sheriff in charge of a local detention facility which  
4 has a Corrections Standards Authority rated capacity of over 200  
5 inmates, appointed by the Governor, subject to Senate  
6 confirmation.

7 (5) A county supervisor or county administrative officer. This  
8 member shall be appointed by the Governor, subject to Senate  
9 confirmation.

10 (6) A chief probation officer from a county with a population  
11 over 200,000, appointed by the Governor, subject to Senate  
12 confirmation.

13 (7) A chief probation officer from a county with a population  
14 under 200,000, appointed by the Governor, subject to Senate  
15 confirmation.

16 (8) A judge appointed by the Judicial Council of California.

17 (9) A chief of police, appointed by the Governor, subject to  
18 Senate confirmation.

19 (10) A community provider of rehabilitative treatment or  
20 services for adult offenders, appointed by the Speaker of the  
21 Assembly.

22 (11) A community provider or advocate with expertise in  
23 effective programs, policies, and treatment of at-risk youth  
24 and juvenile offenders, appointed by the Senate Committee on  
25 Rules.

26 (12) A public member, appointed by the Governor, subject to  
27 Senate confirmation.

28 (b) Commencing July 1, 2013, the Board of State and  
29 Community Corrections shall be composed of 13 members, as  
30 follows:

31 (1) The Chair of the Board of State and Community Corrections,  
32 who shall be appointed by the Governor, subject to Senate  
33 confirmation.

34 (2) The Secretary of the Department of Corrections and  
35 Rehabilitation.

36 (3) The Director of the Division of Adult Parole Operations for  
37 the Department of Corrections and Rehabilitation.

38 (4) The individuals listed in paragraphs (3) to (12), inclusive,  
39 of subdivision (a), who shall serve or continue to serve terms as  
40 provided in subdivision (e).

(c) Commencing July 1, 2024, the Board of State and Community Corrections shall be composed of 15 members, as follows:

(1) The individuals described in subdivision (b), who shall serve or continue to serve terms as provided in subdivision (e).

(2) A licensed health care provider, appointed by the Governor, subject to Senate confirmation.

(3) A licensed mental or behavioral health care provider, appointed by the Governor, subject to Senate confirmation.

(d) The Chair of the Board of State and Community Corrections shall serve full time.

(e) Members shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Members are eligible for reappointment.

(f) The board shall select a vice chairperson from among its members, who shall be either a chief probation officer or a sheriff. Eight members of the board shall constitute a quorum.

(g) When the board is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

(h) If any appointed member is not in attendance for three meetings in any calendar year, the board shall inform the appointing authority, which may remove that member and make a new appointment, as provided in this section, for the remainder of the term.

*SEC. 53. Section 6202 of the Penal Code is amended to read:*

6202. (a) Work of inmates assigned to the conservation centers may be performed at the conservation centers or branches thereof or in or from permanent, temporary, and mobile camps established pursuant to this chapter or pursuant to Article 5 (commencing with Section 2780) of Chapter 5 of Title 1 of Part 3. The provisions of Sections 2780.1 to 2786, inclusive, and Sections 2788 to 2791, inclusive, are applicable to camps established pursuant to this article as well as those established pursuant to that Article 5. The ~~Director of Corrections~~ *Secretary of the Department of Corrections and Rehabilitation* may, at such times as the ~~director~~ *secretary* deems proper and on such terms as the ~~director~~ *secretary* deems



1 wise, enter into contracts or cooperative agreements with any  
2 public agency, local, state, or federal, for the performance of other  
3 conservation projects ~~which~~ *that* are appropriate for the public  
4 agencies under policies which shall be established by the ~~Prison~~  
5 ~~Industry~~ *California Correctional Training and Rehabilitation*  
6 Authority.

7 ~~Inmates~~

8 (b) *Inmates* and wards may be assigned to perform public  
9 conservation projects, including, but not limited to, forest fire  
10 prevention and control, forest and watershed management,  
11 recreational area development, fish and game management, soil  
12 conservation, and forest watershed revegetation.

13 ~~No~~

14 (c) *No* productive industrial enterprise subject to the jurisdiction  
15 of the ~~Prison Industry~~ *California Correctional Training and*  
16 *Rehabilitation* Authority shall be established at any center or  
17 branch thereof or camp established pursuant to this chapter except  
18 in compliance with Chapter 3.5 (commencing with Section 5085)  
19 of Title 7 of Part 3.

20 *SEC. 54. Section 13511.1 of the Penal Code is amended to*  
21 *read:*

22 13511.1. (a) The commission, stakeholders from law  
23 enforcement, including representatives of law enforcement  
24 administration and law enforcement employees, the California  
25 State University, including administration and faculty members,  
26 and community organizations shall serve as advisors to the office  
27 of the Chancellor of the California Community Colleges to develop  
28 a modern policing degree program. By June 1, 2023, the office of  
29 the Chancellor of the California Community Colleges, in  
30 consultation with the stakeholders, shall submit a report on  
31 recommendations to the Legislature outlining a plan to implement  
32 this program. The recommendations in the report shall:

33 (1) Focus on courses pertinent to law enforcement, which shall  
34 include, but not be limited to, psychology, communications,  
35 history, ethnic studies, law, and those determined to develop  
36 necessary critical thinking skills and emotional intelligence.

37 (2) Include allowances for prior law enforcement experience,  
38 and appropriate work experience, postsecondary education  
39 experience, or military experience to satisfy a portion of the  
40 employment eligibility requirements.

1 (A) It is the intent of the Legislature that allowances for prior  
2 experience in this paragraph for those with military experience  
3 may be provided to those with military specializations pertinent  
4 to law enforcement, including those specializations in community  
5 relations, ~~de-escalation~~, *de-escalation*, foreign language translators,  
6 and those determined to require necessary critical thinking skills  
7 and emotional intelligence.

8 (B) It is the intent of the Legislature that allowances for prior  
9 experience specified in this paragraph shall be granted to those of  
10 good moral character, and shall not be granted to those with prior  
11 sustained disciplinary actions taken against them, except that the  
12 Commission on Peace Officer Standards and Training may, after  
13 considering the severity of the sustained misconduct or violation,  
14 grant a partial allowance.

15 (3) Include both the modern policing degree program and  
16 bachelor's degree in the discipline of their choosing as minimum  
17 education requirements for employment as a peace officer.

18 (4) Include recommendations to adopt financial assistance for  
19 students of historically underserved and disadvantaged  
20 communities with barriers to higher education access that fulfill  
21 the minimum education requirements to be adopted, pursuant to  
22 this section, for employment as a peace officer.

23 (b) The report to be submitted pursuant to subdivision (a) shall  
24 be submitted in compliance with Section 9795 of the Government  
25 Code.

26 (c) Within two years of the submission of the report to the  
27 Legislature, the commission shall approve and adopt the education  
28 criteria for peace officers, based on the recommendations in the  
29 report by the office of the Chancellor of the California Community  
30 Colleges in consultation with the stakeholders specified in  
31 subdivision (a).

32 *SEC. 55. Section 13515.26 of the Penal Code is amended to*  
33 *read:*

34 13515.26. (a) The commission shall review the training module  
35 in the regular basic course relating to persons with a mental illness,  
36 intellectual disability, or substance use disorder, and analyze  
37 existing training curricula in order to identify areas where  
38 additional training is needed to better prepare law enforcement to  
39 effectively address incidents involving mentally disabled persons.

(b) Upon identifying what additional training is needed, the commission shall update the training in consultation with appropriate community, local, and state organizations, and agencies that have expertise in the area of mental illness, intellectual disability, and substance use disorders, and with appropriate consumer and family advocate groups.

(c) The training shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) Recognizing indicators of mental illness, intellectual disability, and substance use disorders.

(2) Conflict resolution and ~~de-escalation~~ *de-escalation* techniques for potentially dangerous situations.

(3) Use of force options and alternatives.

(4) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(5) Mental health resources available to the first responders to events that involve mentally disabled persons.

(d) The course of instruction shall be at least 15 hours, and shall include training scenarios and facilitated learning activities relating to law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders.

(e) The course shall be presented within the existing hours allotted for the regular basic course.

(f) The commission shall implement this section on or before August 1, 2016.

*SEC. 56. Section 13515.27 of the Penal Code is amended to read:*

13515.27. (a) The commission shall establish and keep updated a classroom-based continuing training course that includes instructor-led active learning, such as scenario-based training, relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders.

(b) This course shall be at least three consecutive hours, may include training scenarios and facilitated learning activities, shall address issues related to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

1 (1) The cause and nature of mental illness, intellectual disability,  
2 and substance use disorders.

3 (2) Indicators of mental illness, intellectual disability, and  
4 substance use disorders.

5 (3) Appropriate responses to a variety of situations involving  
6 persons with mental illness, intellectual disability, and substance  
7 use disorders.

8 (4) Conflict resolution and ~~de-escalation~~ *de-escalation* techniques  
9 for potentially dangerous situations.

10 (5) Appropriate language usage when interacting with potentially  
11 emotionally distressed persons.

12 (6) Resources available to serve persons with mental illness or  
13 intellectual disability.

14 (7) The perspective of individuals or families who have  
15 experiences with persons with mental illness, intellectual disability,  
16 and substance use disorders.

17 (c) The course described in subdivisions (a) and (b) shall be  
18 made available by the commission to each law enforcement officer  
19 with a rank of supervisor or below and who is assigned to patrol  
20 duties or to supervise officers who are assigned to patrol duties.

21 (d) The commission shall implement this section on or before  
22 August 1, 2016.

23 *SEC. 57. Section 13515.28 of the Penal Code is amended to*  
24 *read:*

25 13515.28. (a) (1) The commission shall require the field  
26 training officers who provide instruction in the field training  
27 program to have at least eight hours of crisis intervention  
28 behavioral health training to better train new peace officers on  
29 how to effectively interact with persons with mental illness or  
30 intellectual disability. This course shall include classroom  
31 instruction and instructor-led active learning, such as  
32 scenario-based training, and shall be taught in segments that are  
33 at least four hours long.

34 (2) If a field training officer has completed eight hours of crisis  
35 intervention behavioral health training within the past 24 months,  
36 or if a field training officer has completed 40 hours of crisis  
37 intervention behavioral health training, the requirement described  
38 in paragraph (1) shall not apply.

(b) The crisis intervention behavioral health training shall address issues relating to stigma, shall be culturally relevant and appropriate, and shall include all of the following topics:

(1) The cause and nature of mental illnesses and intellectual disabilities.

(2) (A) How to identify indicators of mental illness, intellectual disability, and substance use disorders.

(B) How to distinguish between mental illness, intellectual disability, and substance use disorders.

(C) How to respond appropriately in a variety of situations involving persons with mental illness, intellectual disability, and substance use disorders.

(3) Conflict resolution and ~~de-escalation~~ *de-escalation* techniques for potentially dangerous situations.

(4) Appropriate language usage when interacting with potentially emotionally distressed persons.

(5) Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement.

(6) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(c) Field training officers assigned or appointed before January 1, 2017, shall complete the crisis intervention behavioral health training by June 30, 2017. Field training officers assigned or appointed on or after January 1, 2017, shall complete the crisis intervention behavioral health training within 180 days of assignment or appointment.

(d) This section does not prevent an agency from requiring its field training officers to complete additional hours of crisis intervention behavioral health training or requiring its field training officers to complete that training earlier than as required by this section.

*SEC. 58. Section 13515.295 of the Penal Code is amended to read:*

13515.295. (a) The commission shall, by May 1, 2016, conduct a review and evaluation of the required competencies of the field training program and police training program to identify areas where additional training is necessary to better prepare law

1 enforcement officers to effectively address incidents involving  
2 persons with a mental illness or intellectual disability.

3 (b) Upon identifying what additional training is needed, the  
4 commission shall update the training in consultation with  
5 appropriate community, local, and state organizations, and agencies  
6 that have expertise in the area of mental illness, intellectual  
7 disabilities, and substance abuse disorders, and with appropriate  
8 consumer and family advocate groups.

9 (c) The training shall address issues related to stigma, shall be  
10 culturally relevant and appropriate, and shall include all of the  
11 following topics:

12 (1) How to identify indicators of mental illness, intellectual  
13 disability, substance use disorders, neurological disorders,  
14 traumatic brain injury, post-traumatic stress disorder, and dementia.

15 (2) Autism spectrum disorder.

16 (3) Genetic disorders, including, but not limited to, Down  
17 syndrome.

18 (4) Conflict resolution and ~~de-escalation~~ *de-escalation* techniques  
19 for potentially dangerous situations.

20 (5) Alternatives to the use of force when interacting with  
21 potentially dangerous persons with mental illness or intellectual  
22 disabilities.

23 (6) The perspective of individuals or families who have  
24 experiences with persons with mental illness, intellectual disability,  
25 and substance use disorders.

26 (7) Involuntary holds.

27 (8) Community and state resources available to serve persons  
28 with mental illness or intellectual disability, and how these  
29 resources can be best utilized by law enforcement.

30 *SEC. 59. Section 13515.30 of the Penal Code is amended to*  
31 *read:*

32 13515.30. (a) By July 1, 2015, the Commission on Peace  
33 Officer Standards and Training shall establish and keep updated  
34 a continuing education training course relating to law enforcement  
35 interaction with mentally disabled and developmentally disabled  
36 persons living within a state mental hospital or state developmental  
37 center. The training course shall be developed by the commission  
38 in consultation with appropriate community, local, and state  
39 organizations and agencies that have expertise in the area of mental  
40 illness and developmental disability, and with appropriate consumer

1 and family advocate groups. In developing the course, the  
2 commission shall also examine existing courses certified by the  
3 commission that relate to mentally disabled and developmentally  
4 disabled persons. The commission shall make the course available  
5 to all law enforcement agencies in California, and the course shall  
6 be required for law enforcement personnel serving in law  
7 enforcement agencies with jurisdiction over state mental hospitals  
8 and state developmental centers, as part of the agency's officer  
9 training program.

10 (b) The course described in subdivision (a) may consist of  
11 video-based or classroom instruction. The course shall include, at  
12 a minimum, core instruction in all of the following:

13 (1) The prevalence, cause, and nature of mental illnesses and  
14 developmental disabilities.

15 (2) The unique characteristics, barriers, and challenges of  
16 individuals who may be a victim of abuse or exploitation living  
17 within a state mental hospital or state developmental center.

18 (3) How to accommodate, interview, and converse with  
19 individuals who may require assistive devices in order to express  
20 themselves.

21 (4) Capacity and consent of individuals with cognitive and  
22 intellectual barriers.

23 (5) Conflict resolution and ~~de-escalation~~ *de-escalation* techniques  
24 for potentially dangerous situations involving mentally disabled  
25 or developmentally disabled persons.

26 (6) Appropriate language usage when interacting with mentally  
27 disabled or developmentally disabled persons.

28 (7) Community and state resources and advocacy support and  
29 services available to serve mentally disabled or developmentally  
30 disabled persons, and how these resources can be best utilized by  
31 law enforcement to benefit the mentally disabled or  
32 developmentally disabled community.

33 (8) The fact that a crime committed in whole or in part because  
34 of an actual or perceived disability of the victim is a hate crime  
35 punishable under Title 11.6 (commencing with Section 422.55)  
36 of Part 1.

37 (9) Information on the state mental hospital system and the state  
38 developmental center system.

39 (10) Techniques in conducting forensic investigations within  
40 institutional settings where jurisdiction may be shared.

(11) Examples of abuse and exploitation perpetrated by caregivers, staff, contractors, or administrators of state mental hospitals and state developmental centers, and how to conduct investigations in instances where a perpetrator may also be a caregiver or provider of therapeutic or other services.

*SEC. 60. Section 13519.10 of the Penal Code is amended to read:*

13519.10. (a) (1) The commission shall implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force. The guidelines and course of instruction shall stress that the use of force by law enforcement personnel is of important concern to the community and law enforcement and that law enforcement should safeguard life, dignity, and liberty of all persons, without prejudice to anyone. These guidelines shall be a resource for each agency executive to use in the creation of the use of force policy that the agency is required to adopt and promulgate pursuant to Section 7286 of the Government Code, and that reflects the needs of the agency, the jurisdiction it serves, and the law.

(2) As used in this section, “law enforcement officer” includes any peace officer of a local police or sheriff’s department or the California Highway Patrol, or of any other law enforcement agency authorized by law to use force to effectuate an arrest.

(b) The course or courses of the regular basic course for law enforcement officers and the guidelines shall include all of the following:

- (1) Legal standards for use of force.
- (2) Duty to intercede.
- (3) The use of objectively reasonable force.
- (4) Supervisory responsibilities.
- (5) Use of force review and analysis.
- (6) Guidelines for the use of deadly force.
- (7) State required reporting.
- (8) ~~De-escalation~~ *De-escalation* and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
- (9) Implicit and explicit bias and cultural competency.



1 (10) Skills including ~~de-escalation~~ *de-escalation* techniques to  
2 effectively, safely, and respectfully interact with people with  
3 disabilities or behavioral health issues.

4 (11) Use of force scenario training including simulations of  
5 low-frequency, high-risk situations and calls for service,  
6 shoot-or-don't-shoot situations, and real-time force option  
7 decisionmaking.

8 (12) Alternatives to the use of deadly force and physical force,  
9 so that ~~de-escalation~~ *de-escalation* tactics and less lethal alternatives  
10 are, where reasonably feasible, part of the decisionmaking process  
11 leading up to the consideration of deadly force.

12 (13) Mental health and policing, including bias and stigma.

13 (14) Using public service, including the rendering of first aid,  
14 to provide a positive point of contact between law enforcement  
15 officers and community members to increase trust and reduce  
16 conflicts.

17 (c) Law enforcement agencies are encouraged to include, as  
18 part of their advanced officer training program, periodic updates  
19 and training on use of force. The commission shall assist where  
20 possible.

21 (d) (1) The course or courses of instruction, the learning and  
22 performance objectives, the standards for the training, and the  
23 guidelines shall be developed by the commission in consultation  
24 with appropriate groups and individuals having an interest and  
25 expertise in the field on use of force. The groups and individuals  
26 shall include, but not be limited to, law enforcement agencies,  
27 police academy instructors, subject matter experts, and members  
28 of the public.

29 (2) The commission, in consultation with these groups and  
30 individuals, shall review existing training programs to determine  
31 the ways in which use of force training may be included as part of  
32 ongoing programs.

33 (e) It is the intent of the Legislature that each law enforcement  
34 agency adopt, promulgate, and require regular and periodic training  
35 consistent with an agency's specific use of force policy that, at a  
36 minimum, complies with the guidelines developed under  
37 subdivisions (a) and (b).

38 *SEC. 61. Section 13652 of the Penal Code is amended to read:*

39 13652. (a) Except as otherwise provided in subdivision (b),  
40 kinetic energy projectiles and chemical agents shall not be used

1 by any law enforcement agency to disperse any assembly, protest,  
2 or demonstration.

3 (b) Kinetic energy projectiles and chemical agents shall only  
4 be deployed by a peace officer that has received training on their  
5 proper use by the Commission on Peace Officer Standards and  
6 Training for crowd control if the use is objectively reasonable to  
7 defend against a threat to life or serious bodily injury to any  
8 individual, including any peace officer, or to bring an objectively  
9 dangerous and unlawful situation safely and effectively under  
10 control, and only in accordance with all of the following  
11 requirements:

12 (1) ~~De-escalation~~ *De-escalation* techniques or other alternatives  
13 to force have been attempted, when objectively reasonable, and  
14 have failed.

15 (2) Repeated, audible announcements are made announcing the  
16 intent to use kinetic energy projectiles and chemical agents and  
17 the type to be used, when objectively reasonable to do so. The  
18 announcements shall be made from various locations, if necessary,  
19 and delivered in multiple languages, if appropriate.

20 (3) Persons are given an objectively reasonable opportunity to  
21 disperse and leave the scene.

22 (4) An objectively reasonable effort has been made to identify  
23 persons engaged in violent acts and those who are not, and kinetic  
24 energy projectiles or chemical agents are targeted toward those  
25 individuals engaged in violent acts. Projectiles shall not be aimed  
26 indiscriminately into a crowd or group of persons.

27 (5) Kinetic energy projectiles and chemical agents are used only  
28 with the frequency, intensity, and in a manner that is proportional  
29 to the threat and objectively reasonable.

30 (6) Officers shall minimize the possible incidental impact of  
31 their use of kinetic energy projectiles and chemical agents on  
32 bystanders, medical personnel, journalists, or other unintended  
33 targets.

34 (7) An objectively reasonable effort has been made to extract  
35 individuals in distress.

36 (8) Medical assistance is promptly provided, if properly trained  
37 personnel are present, or procured, for injured persons, when it is  
38 reasonable and safe to do so.

39 (9) Kinetic energy projectiles shall not be aimed at the head,  
40 neck, or any other vital organs.

1 (10) Kinetic energy projectiles or chemical agents shall not be  
2 used by any law enforcement agency solely due to any of the  
3 following:

4 (A) A violation of an imposed curfew.

5 (B) A verbal threat.

6 (C) Noncompliance with a law enforcement directive.

7 (11) If the chemical agent to be deployed is tear gas, only a  
8 commanding officer at the scene of the assembly, protest, or  
9 demonstration may authorize the use of tear gas.

10 (c) This section does not prevent a law enforcement agency  
11 from adopting more stringent policies.

12 (d) For the purposes of this section, the following terms have  
13 the following meanings:

14 (1) “Kinetic energy projectiles” means any type of device  
15 designed as less lethal, to be launched from any device as a  
16 projectile that may cause bodily injury through the transfer of  
17 kinetic energy and blunt force trauma. For purposes of this section,  
18 the term includes, but is not limited to, items commonly referred  
19 to as rubber bullets, plastic bullets, beanbag rounds, and foam  
20 tipped plastic rounds.

21 (2) “Chemical agents” means any chemical that can rapidly  
22 produce sensory irritation or disabling physical effects in humans,  
23 which disappear within a short time following termination of  
24 exposure. For purposes of this section, the term includes, but is  
25 not limited to, chloroacetophenone tear gas, commonly known as  
26 CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known  
27 as CS gas; and items commonly referred to as pepper balls, pepper  
28 spray, or oleoresin capicum.

29 (e) This section does not apply within any county detention  
30 facility or any correctional facility of the Department of Corrections  
31 and Rehabilitation.

32 *SEC. 62. Section 13652.1 of the Penal Code is amended to*  
33 *read:*

34 13652.1. (a) Each law enforcement agency shall, within 60  
35 days of each incident, publish a summary on its internet website  
36 of all instances in which a peace officer employed by that agency  
37 uses a kinetic energy projectile or chemical agent, as those terms  
38 are defined in Section 13652, for crowd control. However, an  
39 agency may extend that period for another 30 days if they

1 demonstrate just cause, but in no case longer than 90 days from  
2 the time of the incident.

3 (b) For each incident reported under subdivision (a), the  
4 summary shall be limited to that information known to the agency  
5 at the time of the report and shall include only the following:

6 (1) A description of the assembly, protest, demonstration, or  
7 incident, including the approximate crowd size and the number of  
8 officers involved.

9 (2) The type of kinetic energy projectile or chemical agent  
10 deployed.

11 (3) The number of rounds or quantity of chemical agent  
12 dispersed, as applicable.

13 (4) The number of documented injuries as a result of the kinetic  
14 energy projectile or chemical agent deployment.

15 (5) The justification for using the kinetic energy projectile or  
16 chemical agent, including any ~~de-escalation~~ *de-escalation* tactics  
17 or protocols and other measures that were taken at the time of the  
18 event to ~~de-escalate~~ *de-escalate* tensions and avoid the necessity  
19 of using the kinetic energy projectile or chemical agent.

20 (c) The Department of Justice shall post on its internet website  
21 a compiled list linking each law enforcement agency's reports  
22 posted pursuant to subdivision (a).

23 *SEC. 63. Section 18108 of the Penal Code is amended to read:*

24 18108. (a) Each municipal police department and county  
25 sheriff's department, the Department of the California Highway  
26 Patrol, and the University of California and California State  
27 University Police Departments shall, on or before January 1, 2021,  
28 develop, adopt, and implement written policies and standards  
29 relating to gun violence restraining orders. The policies and  
30 standards shall be updated, as necessary, to incorporate changes  
31 in the law governing gun violence restraining orders.

32 (b) (1) The policies and standards shall instruct officers on the  
33 use of gun violence restraining orders in appropriate situations to  
34 prevent future violence involving a firearm and shall encourage  
35 the use of ~~de-escalation~~ *de-escalation* practices for officer and  
36 civilian safety when responding to incidents involving a firearm.

37 (2) The policies and standards shall instruct officers on the types  
38 of evidence a court considers in determining whether grounds exist  
39 for issuance of a gun violence restraining order pursuant to Section  
40 18155.

1 (3) The policies and standards shall instruct officers to consider  
2 whether a gun violence restraining order may be necessary during  
3 a response to any residence that is associated with a firearm  
4 registration or record, during a response in which a firearm is  
5 present, or during a response in which one of the involved parties  
6 owns or possesses a firearm, or expressed an intent to acquire a  
7 firearm. The policies and standards should also inform officers  
8 about the different procedures and protections afforded by different  
9 types of firearm-prohibiting emergency protective orders that are  
10 available to law enforcement petitioners and provide examples of  
11 situations in which each type of emergency protective order is  
12 most appropriate.

13 (4) The policies and standards should also instruct officers to  
14 consider whether a gun violence restraining order may be necessary  
15 during a contact with a person exhibiting mental health issues,  
16 including suicidal thoughts, statements, or actions, if that person  
17 owns or possesses a firearm or expressed an intent to acquire a  
18 firearm. The policies and standards shall encourage officers  
19 encountering situations in which there is reasonable cause to  
20 believe that the person poses an immediate and present danger of  
21 causing personal injury to themselves or another person by having  
22 custody or control of a firearm to consider obtaining a mental  
23 health evaluation of the person by a medically trained professional  
24 or to detain the person for mental health evaluation pursuant to  
25 agency policy relating to Section 5150 of the Welfare and  
26 Institutions Code. The policies and standards should reflect the  
27 policy of the agency to prevent access to firearms by persons who,  
28 due to mental health issues, pose a danger to themselves or to  
29 others by owning or possessing a firearm. The policies and  
30 standards should encourage officers to provide information about  
31 mental health referral services during a contact with a person  
32 exhibiting mental health issues.

33 (c) The written policies and standards developed pursuant to  
34 this section shall be consistent with any gun violence restraining  
35 order training administered by the Commission on Peace Officer  
36 Standards and Training, and shall include all of the following:

37 (1) Standards and procedures for requesting and serving a  
38 temporary emergency gun violence restraining order, including  
39 standards and procedures for determining prior to the expiration  
40 of a temporary emergency gun violence restraining order whether

1 the subject of the temporary emergency gun violence restraining  
2 order presents an ongoing increased risk for violence so that a gun  
3 violence restraining order issued after notice and hearing may be  
4 necessary.

5 (2) Standards and procedures for requesting and serving an ex  
6 parte gun violence restraining order, including standards and  
7 procedures for determining prior to the expiration of an ex parte  
8 gun violence restraining order whether the subject of the ex parte  
9 gun violence restraining order presents an ongoing increased risk  
10 for violence so that a gun violence restraining order issued after  
11 notice and hearing may be necessary.

12 (3) Standards and procedures for requesting and serving a gun  
13 violence restraining order issued after notice and hearing.

14 (4) Standards and procedures for the seizure of firearms and  
15 ammunition at the time of issuance of a temporary emergency gun  
16 violence restraining order.

17 (5) Standards and procedures for verifying or ensuring the  
18 removal of firearms and ammunition from the subject of a gun  
19 violence restraining order.

20 (6) Standards and procedures for obtaining and serving a search  
21 warrant for firearms and ammunition.

22 (7) Responsibility of officers to attend gun violence restraining  
23 order hearings and diligently participate in the evidence  
24 presentation process.

25 (8) Standards and procedures for requesting renewals of expiring  
26 gun violence restraining orders.

27 (9) Standards and procedures for storing firearms surrendered  
28 pursuant to a gun violence restraining order.

29 (10) Standards and procedures for returning firearms upon the  
30 termination of a gun violence restraining order, including  
31 verification that the respondent is not otherwise legally prohibited  
32 from possessing firearms.

33 (11) Standards and procedures for addressing violations of a  
34 gun violence restraining order.

35 (d) Municipal police departments, county sheriff's departments,  
36 the Department of the California Highway Patrol, and the  
37 University of California and California State University Police  
38 Departments are encouraged, but not required by this section, to  
39 train officers on standards and procedures implemented pursuant  
40 to this section, and may incorporate these standards and procedures

1 into an academy course, preexisting annual training, or other  
2 continuing education program. Municipal police departments,  
3 county sheriff's departments, the Department of the California  
4 Highway Patrol, and the University of California and California  
5 State University police departments shall make information about  
6 standards and policies implemented pursuant to this section  
7 available to all officers.

8 (e) In developing and updating these policies and standards,  
9 law enforcement agencies are encouraged to consult with gun  
10 violence prevention experts, mental health professionals, domestic  
11 violence service providers, and other community-based  
12 organizations.

13 (f) Policies developed pursuant to this section shall be made  
14 available to the public upon request.

15 *SEC. 64. Section 6108 of the Public Contract Code is amended*  
16 *to read:*

17 6108. (a) (1) Every contract entered into by any state agency  
18 for the procurement or laundering of apparel, garments, or  
19 corresponding accessories, or the procurement of equipment,  
20 materials, or supplies, other than procurement related to a public  
21 works contract, shall require that a contractor certify that no  
22 apparel, garments, corresponding accessories, equipment, materials,  
23 or supplies furnished to the state pursuant to the contract have been  
24 laundered or produced in whole or in part by sweatshop labor,  
25 forced labor, convict labor, indentured labor under penal sanction,  
26 abusive forms of child labor, or exploitation of children in  
27 sweatshop labor, or with the benefit of sweatshop labor, forced  
28 labor, convict labor, indentured labor under penal sanction, abusive  
29 forms of child labor, or exploitation of children in sweatshop labor.  
30 The contractor shall agree to comply with this provision of the  
31 contract.

32 (2) The contract shall specify that the contractor is required to  
33 cooperate fully in providing reasonable access to the contractor's  
34 records, documents, agents, employees, or premises if reasonably  
35 required by authorized officials of the contracting agency, the  
36 Department of Industrial Relations, or the Department of Justice  
37 determine the contractor's compliance with the requirements under  
38 paragraph (1).

39 (b) (1) Any contractor contracting with the state who knew or  
40 should have known that the apparel, garments, corresponding

1 accessories, equipment, materials, or supplies furnished to the state  
2 were laundered or produced in violation of the conditions specified  
3 in subdivision (a) when entering into a contract pursuant to  
4 subdivision (a), may, subject to subdivision (c), have any or all of  
5 the following sanctions imposed:

6 (A) The contract under which the prohibited apparel, garments,  
7 or corresponding accessories, equipment, materials, or supplies  
8 were laundered or provided may be voided at the option of the  
9 state agency to which the equipment, materials, or supplies were  
10 provided.

11 (B) The contractor may be assessed a penalty that shall be the  
12 greater of one thousand dollars (\$1,000) or an amount equaling  
13 20 percent of the value of the apparel, garments, corresponding  
14 accessories, equipment, materials, or supplies that the state agency  
15 demonstrates were produced in violation of the conditions specified  
16 in paragraph (1) of subdivision (a) and that were supplied to the  
17 state agency under the contract.

18 (C) The contractor may be removed from the bidder's list for a  
19 period not to exceed 360 days.

20 (2) Any moneys collected pursuant to this subdivision shall be  
21 deposited into the General Fund.

22 (c) (1) When imposing the sanctions described in subdivision  
23 (b), the contracting agency shall notify the contractor of the right  
24 to a hearing, if requested, within 15 days of the date of the notice.  
25 The hearing shall be before an administrative law judge of the  
26 Office of Administrative Hearings in accordance with the  
27 procedures specified in Chapter 5 (commencing with Section  
28 11500) of Part 1 of Division 3 of Title 2 of the Government Code.  
29 The administrative law judge shall take into consideration any  
30 measures the contractor has taken to ensure compliance with this  
31 section, and may waive any or all of the sanctions if it is determined  
32 that the contractor has acted in good faith.

33 (2) The agency shall be assessed the cost of the administrative  
34 hearing, unless the agency has prevailed in the hearing, in which  
35 case the contractor shall be assessed the cost of the hearing.

36 (d) (1) Any state agency that investigates a complaint against  
37 a contractor for violation of this section may limit its investigation  
38 to evaluating the information provided by the person or entity  
39 submitting the complaint and the information provided by the  
40 contractor.



1 (2) Whenever a contracting officer of the contracting agency  
2 has reason to believe that the contractor failed to comply with  
3 paragraph (1) of subdivision (a), the agency shall refer the matter  
4 for investigation to the head of the agency and, as the head of the  
5 agency determines appropriate, to either the Director of Industrial  
6 Relations or the Department of Justice.

7 (e) (1) For purposes of this section, “forced labor” shall have  
8 the same meaning as in Section 1307 of Title 19 of the United  
9 States Code.

10 (2) “Abusive forms of child labor” means any of the following:

11 (A) All forms of slavery or practices similar to slavery, such as  
12 the sale and trafficking of children, debt bondage, and serfdom  
13 and forced or compulsory labor, including forced or compulsory  
14 recruitment of children for use in armed conflict.

15 (B) The use, procuring, or offering of a child for prostitution,  
16 for the production of pornography, or for pornographic  
17 performances.

18 (C) The use, procuring, or offering of a child for illicit activities,  
19 in particular for the production and trafficking of illicit drugs.

20 (D) All work or service exacted from or performed by any  
21 person under the age of 18 years either under the menace of any  
22 penalty for its nonperformance and for which the worker does not  
23 offer oneself voluntarily, or under a contract, the enforcement of  
24 which can be accomplished by process or penalties.

25 (E) All work or service exacted from or performed by a child  
26 in violation of all applicable laws of the country of manufacture  
27 governing the minimum age of employment, compulsory education,  
28 and occupational health and safety.

29 (3) “Exploitation of children in sweatshop labor” means all  
30 work or service exacted from or performed by any person under  
31 the age of 18 years in violation of more than one law of the country  
32 of manufacture governing wage and benefits, occupational health  
33 and safety, nondiscrimination, and freedom of association.

34 (4) “Sweatshop labor” means all work or service exacted from  
35 or performed by any person in violation of more than one law of  
36 the country of manufacture governing wages, employee benefits,  
37 occupational health, occupational safety, nondiscrimination, or  
38 freedom of association.

39 (5) “Apparel, garments, or corresponding accessories” includes,  
40 but is not limited to, uniforms.

(6) Notwithstanding any other provision of this section, “forced labor” and “convict labor” do not include work or services performed by an inmate or a person employed by the ~~Prison Industry~~ *California Correctional Training and Rehabilitation* Authority.

(7) “State agency” means any state agency in this state.

(f) (1) On or before February 1, 2004, the Department of Industrial Relations shall establish a contractor responsibility program, including a Sweatfree Code of Conduct, to be signed by all bidders on state contracts and subcontracts. Any state agency responsible for procurement shall ensure that the Sweatfree Code of Conduct is available for public review at least 30 calendar days between the dates of receipt and the final award of the contract. The Sweatfree Code of Conduct shall list the requirements that contractors are required to meet, as set forth in subdivision (g).

(2) Upon implementation in the manner described in paragraph (4), every contract entered into by any state agency for the procurement or laundering of apparel, garments, or corresponding accessories, or for the procurement of equipment or supplies, shall require that the contractor certify in accordance with the Sweatfree Code of Conduct that no apparel, garments, or corresponding accessories, or equipment, materials, or supplies, furnished to the state pursuant to the contract have been laundered or produced, in whole or in part, by sweatshop labor.

(3) The appropriate procurement agency, in consultation with the Director of Industrial Relations, shall employ a phased and targeted approach to implementing the Sweatfree Code of Conduct. Sweatfree Code of Conduct procurement policies involving apparel, garments, and corresponding accessories may be permitted a phasein period of up to one year for purposes of feasibility and providing sufficient notice to contractors and the general public. The appropriate procurement agency, in consultation with the Director of Industrial Relations, shall target other procurement categories based on the magnitude of verified sweatshop conditions and the feasibility of implementation, and may set phasein goals and timetables of up to three years to achieve compliance with the principles of the Sweatfree Code of Conduct.

(4) In order to facilitate compliance with the Sweatfree Code of Conduct, the Department of Industrial Relations shall explore mechanisms employed by other governmental entities, including,

but not limited to, New Jersey Executive Order *No.* 20, of 2002, to ensure that businesses that contract with this state are in compliance with this section and any regulations or requirements promulgated in conformance with this section, as amended by Section 2 of Chapter 711 of the Statutes of 2003. The mechanisms explored may include, but not be limited to, authorization to contract with a competent nonprofit organization that is neither funded nor controlled, in whole or in part, by a corporation that is engaged in the procurement or laundering of apparel, garments, or corresponding accessories, or the procurement of equipment, materials, or supplies. The Department of Industrial Relations, in complying with this paragraph, shall also consider any feasible and cost-effective monitoring measures that will encourage compliance with the Sweatfree Code of Conduct.

(5) To ensure public access and confidence, the Department of Industrial Relations shall ensure public awareness and access to proposed contracts by postings on the Internet and through communication to advocates for garment workers, unions, and other interested parties. The appropriate agencies shall establish a mechanism for soliciting and reviewing any information indicating violations of the Sweatfree Code of Conduct by prospective or current bidders, contractors, or subcontractors. The agencies shall make their findings public when they reject allegations against bidding or contracting parties.

(6) Contractors shall ensure that their subcontractors comply in writing with the Sweatfree Code of Conduct, under penalty of perjury. Contractors shall attach a copy of the Sweatfree Code of Conduct to the certification required by subdivision (a).

(g) No state agency may enter into a contract with any contractor unless the contractor meets the following requirements:

(1) Contractors and subcontractors in California shall comply with all appropriate state laws concerning wages, workplace safety, rights to association and assembly, and nondiscrimination standards as well as appropriate federal laws. Contractors based in other states in the United States shall comply with all appropriate laws of their states and appropriate federal laws. For contractors whose locations for manufacture or assembly are outside the United States, those contractors shall ensure that their subcontractors comply with the appropriate laws of countries where the facilities are located.

1 (2) Contractors and subcontractors shall maintain a policy of  
2 not terminating any employee except for just cause, and employees  
3 shall have access to a mediator or to a mediation process to resolve  
4 certain workplace disputes that are not regulated by the National  
5 Labor Relations Board.

6 (3) Contractors and subcontractors shall ensure that workers  
7 are paid, at a minimum, wages and benefits in compliance with  
8 applicable local, state, and national laws of the jurisdiction in which  
9 the labor, on behalf of the contractor or subcontractor, is performed.

10 Whenever a state agency expends funds for the procurement or  
11 laundering of apparel, garments, or corresponding accessories, or  
12 the procurement of equipment, materials, or supplies, other than  
13 procurement related to a public works contract, the applicable  
14 labor standards established by the local jurisdiction through the  
15 exercise of either local police powers or local spending powers in  
16 which the labor, in compliance with the contract or purchase order  
17 for which the expenditure is made, is performed shall apply with  
18 regard to the contract or purchase order for which the expenditure  
19 is made, unless the applicable local standards are in conflict with,  
20 or are explicitly preempted by, state law. A state agency may not  
21 require, as a condition for the receipt of state funds or assistance,  
22 that a local jurisdiction refrain from applying the labor standards  
23 that are otherwise applicable to that local jurisdiction. The  
24 Department of Industrial Relations may, without incurring  
25 additional expenses, access information from any nonprofit  
26 organization, including, but not limited to, the World Bank, that  
27 gathers and disseminates data with respect to wages paid  
28 throughout the world, to allow the Department of Industrial  
29 Relations to determine whether contractors and subcontractors are  
30 compensating their employees at a level that enables those  
31 employees to live above the applicable poverty level.

32 (4) All contractors and subcontractors shall comply with the  
33 overtime laws and regulations of the country in which their  
34 employees are working.

35 (5) All overtime hours shall be worked voluntarily. Workers  
36 shall be compensated for overtime at either (A) the rate of  
37 compensation for regular hours of work, or (B) as legally required  
38 in the country of manufacture, whichever is greater.

39 (6) No person may be employed who is younger than the legal  
40 age for children to work in the country in which the facility is

1 located. In no case may children under the age of 15 years be  
2 employed in the manufacturing process. Where the age for  
3 completing compulsory education is higher than the standard for  
4 the minimum age of employment, the age for completing education  
5 shall apply to this section.

6 (7) There may be no form of forced labor of any kind, including  
7 slave labor, prison labor, indentured labor, or bonded labor,  
8 including forced overtime hours.

9 (8) The work environment shall be safe and healthy and, at a  
10 minimum, be in compliance with relevant local, state, and national  
11 laws. If residential facilities are provided to workers, those facilities  
12 shall be safe and healthy as well.

13 (9) There may be no discrimination in hiring, salary, benefits,  
14 performance evaluation, discipline, promotion, retirement, or  
15 dismissal on the basis of age, sex, pregnancy, maternity leave  
16 status, marital status, race, nationality, country of origin, ethnic  
17 origin, disability, sexual orientation, gender identity, religion, or  
18 political opinion.

19 (10) No worker may be subjected to any physical, sexual,  
20 psychological, or verbal harassment or abuse, including corporal  
21 punishment, under any circumstances, including, but not limited  
22 to, retaliation for exercising ~~his or her~~ *their* right to free speech  
23 and assembly.

24 (11) No worker may be forced to use contraceptives or take  
25 pregnancy tests. No worker may be exposed to chemicals, including  
26 glues and solvents, that endanger reproductive health.

27 (12) Contractors and bidders shall list the names and addresses  
28 of each subcontractor to be utilized in the performance of the  
29 contract, and list each manufacturing or other facility or operation  
30 of the contractor or subcontractor for performance of the contract.  
31 The list, which shall be maintained and updated to show any  
32 changes in subcontractors during the term of the contract, shall  
33 provide company names, owners or officers, addresses, telephone  
34 numbers, e-mail addresses, and the nature of the business  
35 association.

36 (h) Any person who certifies as true any material matter pursuant  
37 to this section that ~~he or she knows~~ *they know* to be false is guilty  
38 of a misdemeanor.

39 (i) The provisions of this section, as amended by Section 2 of  
40 Chapter 711 of the Statutes of 2003, shall be in addition to any

1 other provisions that authorize the prosecution and enforcement  
2 of local labor laws and may not be interpreted to prohibit a local  
3 prosecutor from bringing a criminal or civil action against an  
4 individual or business that violates the provisions of this section.

5 (j) (1) The certification requirements set forth in subdivisions  
6 (a) and (f) do not apply to a credit card purchase of goods of two  
7 thousand five hundred dollars (\$2,500) or less.

8 (2) The total amount of exemption authorized herein shall not  
9 exceed seven thousand five hundred dollars (\$7,500) per year for  
10 each company from which a state agency is purchasing goods by  
11 credit card. It shall be the responsibility of each state agency to  
12 monitor the use of this exemption and adhere to these restrictions  
13 on these purchases.

14 *SEC. 65. Section 10103.5 of the Public Contract Code is*  
15 *amended to read:*

16 10103.5. Work performed by prisoners pursuant to an order  
17 by the Secretary of the Department of Corrections and  
18 Rehabilitation or by the ~~Prison Industry~~ *California Correctional*  
19 *Training and Rehabilitation* Authority is not subject to this chapter,  
20 provided that the total cost of a project for the construction of new,  
21 previously unoccupied prison facilities or additions to an existing  
22 facility shall not exceed fifty thousand dollars (\$50,000) unless it  
23 is first approved by the State Public Works Board.

24 *SEC. 66. Section 10332 of the Public Contract Code is amended*  
25 *to read:*

26 10332. Any state agency that receives delegated authority to  
27 acquire goods shall be authorized, at a minimum, to make the  
28 following types of acquisitions:

29 (a) Acquisitions not exceeding the dollar value established  
30 pursuant to Section 10330.

31 (b) Acquisitions in any amount of goods available under an  
32 unexpired statewide or regional contract. Acquisitions of goods  
33 for which a valid statewide or regional contract is in effect may  
34 not be made, without the approval of the office, from a supplier  
35 other than the supplier with whom the state has a valid contract.

36 (c) Acquisitions in any amount of goods that state agencies are  
37 required, by Section 2807 of the Penal Code, to acquire from the  
38 ~~Prison Industry~~ *California Correctional Training and*  
39 *Rehabilitation* Authority.

1 (d) Acquisitions not exceeding the dollar amount, established  
2 pursuant to Section 10330, of goods designated in price schedules  
3 that the office has established with suppliers. Acquisitions not  
4 exceeding the dollar amount, established pursuant to Section 10330,  
5 of goods designated in price schedules may be made from a  
6 supplier other than the supplier specified on a price schedule if  
7 another supplier offers the same or equivalent goods at a price  
8 lower than the price established in the price schedule. The agency  
9 shall notify the office prior to making the acquisition. The  
10 acquisition may be made 48 hours after receipt of the notice by  
11 the office unless the office advises the agency that the goods to be  
12 acquired are not the same or equivalent to the goods specified on  
13 a price schedule.

14 (e) Acquisitions not exceeding the dollar value, established  
15 pursuant to Section 10330, of goods that are available from the  
16 state warehouses but which the state agency can acquire from  
17 another supplier at a price lower than the price charged by the  
18 department. The agency shall notify the office prior to making the  
19 acquisition. The acquisition may be made 48 hours after receipt  
20 of the notice by the office unless the office advises the agency that  
21 the goods to be acquired are not the same or equivalent to the goods  
22 available from the state warehouses.

23 *SEC. 67. Section 12217 of the Public Contract Code is amended*  
24 *to read:*

25 12217. (a) State agency procurement and contracting officers,  
26 or their designees, from all agencies shall participate in annual  
27 mandatory training that is conducted by CalRecycle. The training  
28 may be web-based and shall provide a complete review of the  
29 benefits of SABRC purchases, how to locate qualifying products,  
30 how to report information, and how to explain benefits and  
31 requirements to other employees making purchasing decisions.

32 (b) If a state agency does not meet SABRC purchasing  
33 requirements in each product category, CalRecycle shall report  
34 the state agency to the department.

35 (c) In determining purchasing specifications, with the exception  
36 of any specifications that have been established to preserve the  
37 public health and safety, all state purchasing specifications shall  
38 be established in a manner that results in the maximum state  
39 purchase of recycled products.

(d) (1) If a recycled product, as defined in subdivision (h) of Section 12200, costs more than the same product made with virgin material, the state agency shall, if feasible, purchase fewer of those more costly products or apply the cost savings, if any, gained from buying other recycled products towards the purchase of those more costly products to meet the solid waste diversion goals of Section 41780.

(2) If a recycled product, as defined in subdivision (h) of Section 12200 has special performance requirements necessary for the protection of public safety, as defined by the Department of General Services, the state agency may purchase that product made with virgin material. For the purposes of this paragraph, public safety includes, but is not limited to, structural steel coatings, traffic paint applications, and roadway safety devices.

(e) Each state agency shall establish purchasing practices that ensure the purchase of goods and materials that may be recycled or reused. Each state agency shall continue activities for the collection, separation, and recycling of recyclable materials and may appoint a recycling coordinator to assist in implementing this section. Alternatively, a state contract may require that the vendor take back the product for proper management after it has been used. Upon request by a state agency, CalRecycle shall offer advice and recommendations regarding products and situations in which a take-back requirement is appropriate.

(f) To assist the state in meeting the requirements of this article, each state agency, and the department, in consultation with CalRecycle, may also establish recycled product-only bids, cooperative purchasing arrangements, or other mechanisms to meet the requirements for recycled products and to encourage the maximum state purchase of recycled products.

(g) The department, in consultation with CalRecycle, shall review and revise the purchasing specifications and contract documents used by state agencies in order to eliminate restrictive specifications and discrimination against the purchase of remanufactured or recycled products and to ensure that they are drafted in a manner that results in the maximum state purchase of remanufactured recycled products. All contract provisions impeding the consideration of recycled products shall be deleted in favor of performance standards. Remanufactured products shall



1 conform to performance standards to ensure they are essentially  
2 equivalent to new products that perform the same function.

3 (h) (1) In order for state agencies to easily procure  
4 SABRC-compliant products, ensure their success in the program,  
5 and support the recycled content industry, the department and the  
6 ~~Prison—Industry~~ *California Correctional Training and*  
7 *Rehabilitation* Authority shall prioritize the use of recycled content  
8 products.

9 (2) The department shall continue to make products that meet  
10 the SABRC postconsumer minimum percentage requirements  
11 available through statewide contracts, and provide information to  
12 state agencies regarding contracted products that meet these  
13 requirements.

14 (3) ~~The Prison—Industry~~ *California Correctional Training and*  
15 *Rehabilitation* Authority, in collaboration with CalRecycle, shall  
16 make every attempt to procure parts that meet the SABRC  
17 postconsumer minimum percentage requirements for the products  
18 it creates and sells to state agencies.

19 (i) Any state agency that is required to submit an SABRC report  
20 to CalRecycle, pursuant to Section 12211, is subject to a review  
21 conducted by CalRecycle or its designee.

22 *SEC. 68. Section 4953 of the Public Resources Code is*  
23 *amended to read:*

24 4953. (a) The department shall utilize inmates and wards  
25 assigned to conservation camps in performing fire prevention, fire  
26 control, and other work of the department. At times it deems proper  
27 and on terms it deems wise, the department may enter into contracts  
28 or cooperative agreements with a public agency, local, state, or  
29 federal, or with a qualified nonprofit organization that has a  
30 demonstrated ability to plan, implement, and complete a  
31 conservation project and meets other criteria, as determined by the  
32 department, for the performance of other conservation projects  
33 that are appropriate for those public agencies or that nonprofit  
34 organization under policies that shall be established by the ~~Prison~~  
35 ~~Industry~~ *California Correctional Training and Rehabilitation*  
36 Authority. The charge for the service shall be determined by the  
37 director. All these contracts are subject to the approval of the  
38 director and the Director of General Services.

39 (b) For the purposes of this section, “nonprofit organization”  
40 means any California corporation exempt from taxation under

1 Section 501(c)(3), 501(c)(4), or 501(c)(5) of the federal Internal  
2 Revenue Code.

3 *SEC. 69. Section 42989.2.1 of the Public Resources Code is*  
4 *amended to read:*

5 42989.2.1. (a) Mattresses manufactured by the ~~Prison Industry~~  
6 *California Correctional Training and Rehabilitation* Authority  
7 and purchased by the state or its agencies are exempt from  
8 collecting and remitting the mattress recycling charge and from  
9 any end-of-life financial incentive established by the mattress  
10 recycling organization for used mattresses pursuant to subdivision  
11 (k) of Section 42987.1. Mattresses sold subject to this exemption  
12 shall be permanently marked or labeled to clearly identify them  
13 as having been manufactured by the ~~Prison Industry~~ *California*  
14 *Correctional Training and Rehabilitation* Authority.

15 (b) The ~~Prison Industry~~ *California Correctional Training and*  
16 *Rehabilitation* Authority shall, upon the request of the department  
17 or mattress recycling organization, report how many mattresses it  
18 manufactured and sold in the previous fiscal year and the customers  
19 that purchased those mattresses. To the extent reasonably possible,  
20 the ~~Prison Industry~~ *California Correctional Training and*  
21 *Rehabilitation* Authority, upon request by the department or the  
22 mattress recycling organization, shall report how its customers are  
23 disposing of their used mattresses and estimate what percentage  
24 are being landfilled and recycled or renovated.

25 (c) The mattress recycling organization's obligation under this  
26 chapter to recycle mattresses manufactured by the ~~Prison Industry~~  
27 *California Correctional Training and Rehabilitation* Authority is  
28 limited to any services for which the authority has specifically  
29 contracted with the mattress recycling organization for that  
30 purpose. The mattress recycling organization may refuse to recycle  
31 or pay financial incentives on any ~~Prison Industry~~ *California*  
32 *Correctional Training and Rehabilitation* Authority-manufactured  
33 mattress that is exempted from collecting and remitting the mattress  
34 recycling fee.

35 (d) Mattresses exempt pursuant to subdivision (a) and all  
36 discards of mattresses previously manufactured by the ~~Prison~~  
37 ~~Industry~~ *California Correctional Training and Rehabilitation*  
38 Authority shall be excluded from the goal-setting analysis required  
39 by Section 42987.5.

1     *SEC. 70. Section 99243 of the Public Utilities Code is amended*  
2     *to read:*

3     99243. (a) The Controller, in cooperation with the department  
4     and the operators, shall design and adopt a uniform system of  
5     accounts and records, from which the operators shall prepare and  
6     submit annual reports of their operation to transportation planning  
7     agencies, county transportation commissions, or the San Diego  
8     Metropolitan Transit Development Board having jurisdiction over  
9     them and to the Controller within seven months after the end of  
10    the fiscal year. The report shall contain underlying data from  
11    audited financial statements prepared in accordance with generally  
12    accepted accounting principles, if this data is available. The report  
13    shall specify (1) the amount of revenue generated from each source  
14    and its application for the prior fiscal year, and (2) the data  
15    necessary to determine which section, with respect to Sections  
16    99268.1, 99268.2, 99268.3, 99268.4, 99268.5, and 99268.9, the  
17    operator is required to be in compliance in order to be eligible for  
18    funds under this article.

19    (b) (1) For the purposes of the State Transit Assistance Program,  
20    which is governed by Sections 99312 to 99314.9, inclusive, the  
21    Controller shall provide a mechanism for each transportation  
22    planning agency, county transportation commission, and the San  
23    Diego Metropolitan Transit Development Board to report to the  
24    Controller those operators within its jurisdiction that are  
25    STA-eligible operators, as defined in paragraph (2) of subdivision  
26    (b) of Section 99312.2.

27    (2) The mechanism shall require each transportation planning  
28    agency, county transportation commission, and the San Diego  
29    Metropolitan Transit Development Board to report to the Controller  
30    those STA-eligible operators within its jurisdiction that are both:

31    (A) Eligible to claim local transportation funds under either  
32    Article 4 (commencing with Section 99260) or Article 8  
33    (commencing with Section 99400), or under both articles.

34    (B) A public transportation operator, as defined in paragraph  
35    (1) of subdivision (b) of Section 99312.2.

36    (3) The Controller shall rely upon that verification to determine  
37    whether or not an operator is an STA-eligible operator pursuant  
38    to paragraph (2) of subdivision (b) of Section 99312.2. The  
39    transportation planning agency, county transportation commission,  
40    and the San Diego Metropolitan Transit Development Board shall

1 provide this information to the Controller within seven months  
2 after the end of each fiscal year.

3 (c) As a supplement to the annual report prepared pursuant to  
4 subdivision (a), each operator shall include an estimate of the  
5 amount of revenues to be generated from each source and its  
6 proposed application for the next fiscal year, and a report on the  
7 extent to which it has contracted with the ~~Prison Industry California~~  
8 *Correctional Training and Rehabilitation* Authority, including the  
9 nature and dollar amounts of all contracts entered into during the  
10 reporting period and proposed for the next reporting period.

11 (d) The Controller shall instruct the county auditor to withhold  
12 payments from the fund to an operator that has not submitted its  
13 annual report to the Controller within the time specified by  
14 subdivision (a).

15 (e) In establishing the uniform system of accounts and records,  
16 the Controller shall include the data required by the United States  
17 Department of Transportation and the department.

18 (f) Notwithstanding any other law or any regulation, including  
19 any California Code of Regulations provision, the City of El  
20 Segundo, the City of Huntington Beach, the City of Inglewood,  
21 the City of Long Beach, or the City of South Lake Tahoe may  
22 select, for purposes of this chapter, on a one-time basis, a fiscal  
23 year that does not end on June 30. After the city has sent a written  
24 notice to the Secretary of Transportation and the Controller that  
25 the city has selected a fiscal year other than one ending on June  
26 30, the fiscal year selected by the city shall be its fiscal year for  
27 all reports required by the state under this chapter.

28 *SEC. 71. Section 1095 of the Unemployment Insurance Code*  
29 *is amended to read:*

30 1095. The director shall permit the use of any information in  
31 the director's possession to the extent necessary for any of the  
32 following purposes, and may require reimbursement for all direct  
33 costs incurred in providing any and all information specified in  
34 this section, except information specified in subdivisions (a) to  
35 (e), inclusive:

36 (a) To enable the director or the director's representative to  
37 carry out their responsibilities under this code.

38 (b) To properly present a claim for benefits.

39 (c) To acquaint a worker or their authorized agent with the  
40 worker's existing or prospective right to benefits.

1 (d) To furnish an employer or their authorized agent with  
2 information to enable the employer to fully discharge their  
3 obligations or safeguard their rights under this division or Division  
4 3 (commencing with Section 9000).

5 (e) To enable an employer to receive a reduction in contribution  
6 rate.

7 (f) To enable federal, state, or local governmental departments  
8 or agencies, subject to federal law, to verify or determine the  
9 eligibility or entitlement of an applicant for, or a recipient of, public  
10 social services provided pursuant to Division 9 (commencing with  
11 Section 10000) of the Welfare and Institutions Code, or Part A of  
12 Subchapter IV of the federal Social Security Act (42 U.S.C. Sec.  
13 601 et seq.), and state or federal subsidies offered through the  
14 California Health Benefit Exchange provided pursuant to Title 22  
15 (commencing with Section 100500) of the Government Code,  
16 when the verification or determination is directly connected with,  
17 and limited to, the administration of public social services.

18 (g) To enable county administrators of general relief or  
19 assistance, or their representatives, to determine entitlement to  
20 locally provided general relief or assistance, when the  
21 determination is directly connected with, and limited to, the  
22 administration of general relief or assistance.

23 (h) To enable state or local governmental departments or  
24 agencies to seek criminal, civil, or administrative remedies in  
25 connection with the unlawful application for, or receipt of, relief  
26 provided under Division 9 (commencing with Section 10000) of  
27 the Welfare and Institutions Code or to enable the collection of  
28 expenditures for medical assistance services pursuant to Part 5  
29 (commencing with Section 17000) of Division 9 of the Welfare  
30 and Institutions Code.

31 (i) To provide any law enforcement agency with the name,  
32 address, telephone number, birth date, social security number,  
33 physical description, and names and addresses of present and past  
34 employers, of any victim, suspect, missing person, potential  
35 witness, or person for whom a felony arrest warrant has been  
36 issued, when a request for this information is made by any  
37 investigator or peace officer as defined by Sections 830.1 and  
38 830.2 of the Penal Code, or by any federal law enforcement officer  
39 to whom the Attorney General has delegated authority to enforce  
40 federal search warrants, as defined under Sections 60.2 and 60.3

1 of Title 28 of the Code of Federal Regulations, as amended, and  
2 when the requesting officer has been designated by the head of  
3 the law enforcement agency and requests this information in the  
4 course of and as a part of an investigation into the commission of  
5 a crime when there is a reasonable suspicion that the crime is a  
6 felony and that the information would lead to relevant evidence.  
7 The information provided pursuant to this subdivision shall be  
8 provided to the extent permitted by federal law and regulations,  
9 and to the extent the information is available and accessible within  
10 the constraints and configurations of existing department records.  
11 Any person who receives any information under this subdivision  
12 shall make a written report of the information to the law  
13 enforcement agency that employs the person, for filing under the  
14 normal procedures of that agency.

15 (1) This subdivision shall not be construed to authorize the  
16 release to any law enforcement agency of a general list identifying  
17 individuals applying for or receiving benefits.

18 (2) The department shall maintain records pursuant to this  
19 subdivision only for periods required under regulations or statutes  
20 enacted for the administration of its programs.

21 (3) This subdivision shall not be construed as limiting the  
22 information provided to law enforcement agencies to that pertaining  
23 only to applicants for, or recipients of, benefits.

24 (4) The department shall notify all applicants for benefits that  
25 release of confidential information from their records will not be  
26 protected should there be a felony arrest warrant issued against  
27 the applicant or in the event of an investigation by a law  
28 enforcement agency into the commission of a felony.

29 (j) To provide public employee retirement systems in California  
30 with information relating to the earnings of any person who has  
31 applied for or is receiving a disability income, disability allowance,  
32 or disability retirement allowance, from a public employee  
33 retirement system. The earnings information shall be released only  
34 upon written request from the governing board specifying that the  
35 person has applied for or is receiving a disability allowance or  
36 disability retirement allowance from its retirement system. The  
37 request may be made by the chief executive officer of the system  
38 or by an employee of the system so authorized and identified by  
39 name and title by the chief executive officer in writing.

1 (k) To enable the Division of Labor Standards Enforcement in  
2 the Department of Industrial Relations to seek criminal, civil, or  
3 administrative remedies in connection with the failure to pay, or  
4 the unlawful payment of, wages pursuant to Chapter 1  
5 (commencing with Section 200) of Part 1 of Division 2 of, and  
6 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
7 2 of, the Labor Code.

8 (l) To enable federal, state, or local governmental departments  
9 or agencies to administer child support enforcement programs  
10 under Part D of Title IV of the federal Social Security Act (42  
11 U.S.C. Sec. 651 et seq.).

12 (m) To provide federal, state, or local governmental departments  
13 or agencies with wage and claim information in its possession that  
14 will assist those departments and agencies in the administration  
15 of the Victims of Crime Program or in the location of victims of  
16 crime who, by state mandate or court order, are entitled to  
17 restitution that has been or can be recovered.

18 (n) To provide federal, state, or local governmental departments  
19 or agencies with information concerning any individuals who are  
20 or have been:

21 (1) Directed by state mandate or court order to pay restitution,  
22 fines, penalties, assessments, or fees as a result of a violation of  
23 law.

24 (2) Delinquent or in default on guaranteed student loans or who  
25 owe repayment of funds received through other financial assistance  
26 programs administered by those agencies. The information released  
27 by the director for the purposes of this paragraph shall not include  
28 unemployment insurance benefit information.

29 (o) To provide an authorized governmental agency with any  
30 and all relevant information that relates to any specific workers'  
31 compensation insurance fraud investigation. The information shall  
32 be provided to the extent permitted by federal law and regulations.  
33 For purposes of this subdivision, "authorized governmental agency"  
34 means the district attorney of any county, the office of the Attorney  
35 General, the Contractors State License Board, the Department of  
36 Industrial Relations, and the Department of Insurance. An  
37 authorized governmental agency may disclose this information to  
38 the State Bar of California, the Medical Board of California, or  
39 any other licensing board or department whose licensee is the  
40 subject of a workers' compensation insurance fraud investigation.

1 This subdivision shall not prevent any authorized governmental  
2 agency from reporting to any board or department the suspected  
3 misconduct of any licensee of that body.

4 (p) To enable the Director of Consumer Affairs, or the director's  
5 representative, to access unemployment insurance quarterly wage  
6 data on a case-by-case basis to verify information on school  
7 administrators, school staff, and students provided by those schools  
8 who are being investigated for possible violations of Chapter 8  
9 (commencing with Section 94800) of Part 59 of Division 10 of  
10 Title 3 of the Education Code.

11 (q) To provide employment tax information to the tax officials  
12 of Mexico, if a reciprocal agreement exists. For purposes of this  
13 subdivision, "reciprocal agreement" means a formal agreement to  
14 exchange information between national taxing officials of Mexico  
15 and taxing authorities of the State Board of Equalization, the  
16 Franchise Tax Board, and the Employment Development  
17 Department. Furthermore, the reciprocal agreement shall be limited  
18 to the exchange of information that is essential for tax  
19 administration purposes only. Taxing authorities of the State of  
20 California shall be granted tax information only on California  
21 residents. Taxing authorities of Mexico shall be granted tax  
22 information only on Mexican nationals.

23 (r) To enable city and county planning agencies to develop  
24 economic forecasts for planning purposes. The information shall  
25 be limited to businesses within the jurisdiction of the city or county  
26 whose planning agency is requesting the information, and shall  
27 not include information regarding individual employees.

28 (s) To provide the State Department of Developmental Services  
29 with wage and employer information that will assist in the  
30 collection of moneys owed by the recipient, parent, or any other  
31 legally liable individual for services and supports provided pursuant  
32 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
33 and Chapter 2 (commencing with Section 7200) and Chapter 3  
34 (commencing with Section 7500) of Division 7 of, the Welfare  
35 and Institutions Code.

36 (t) To provide the State Board of Equalization with employment  
37 tax information that will assist in the administration of tax  
38 programs. The information shall be limited to the exchange of  
39 employment tax information essential for tax administration  
40 purposes to the extent permitted by federal law and regulations.



1 (u) This section shall not be construed to authorize or permit  
2 the use of information obtained in the administration of this code  
3 by any private collection agency.

4 (v) The disclosure of the name and address of an individual or  
5 business entity that was issued an assessment that included  
6 penalties under Section 1128 or 1128.1 shall not be in violation  
7 of Section 1094 if the assessment is final. The disclosure may also  
8 include any of the following:

9 (1) The total amount of the assessment.

10 (2) The amount of the penalty imposed under Section 1128 or  
11 1128.1 that is included in the assessment.

12 (3) The facts that resulted in the charging of the penalty under  
13 Section 1128 or 1128.1.

14 (w) To enable the Contractors State License Board to verify the  
15 employment history of an individual applying for licensure  
16 pursuant to Section 7068 of the Business and Professions Code.

17 (x) To provide any peace officer with the Division of  
18 Investigation in the Department of Consumer Affairs information  
19 pursuant to subdivision (i) when the requesting peace officer has  
20 been designated by the Chief of the Division of Investigation and  
21 requests this information in the course of and as part of an  
22 investigation into the commission of a crime or other unlawful act  
23 when there is reasonable suspicion to believe that the crime or act  
24 may be connected to the information requested and would lead to  
25 relevant information regarding the crime or unlawful act.

26 (y) To enable the Labor Commissioner of the Division of Labor  
27 Standards Enforcement in the Department of Industrial Relations  
28 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
29 uninsured employers. The information shall be provided to the  
30 extent permitted by federal law and regulations.

31 (z) To enable the Chancellor of the California Community  
32 Colleges, in accordance with the requirements of Section 84754.5  
33 of the Education Code, to obtain quarterly wage data, commencing  
34 January 1, 1993, on students who have attended one or more  
35 community colleges, to assess the impact of education on the  
36 employment and earnings of students, to conduct the annual  
37 evaluation of district-level and individual college performance in  
38 achieving priority educational outcomes, and to submit the required  
39 reports to the Legislature and the Governor. The information shall

1 be provided to the extent permitted by federal statutes and  
2 regulations.

3 (aa) To enable the Public Employees' Retirement System to  
4 seek criminal, civil, or administrative remedies in connection with  
5 the unlawful application for, or receipt of, benefits provided under  
6 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
7 of the Government Code.

8 (ab) To enable the State Department of Education, the University  
9 of California, the California State University, and the Chancellor  
10 of the California Community Colleges, pursuant to the  
11 requirements prescribed by the federal American Recovery and  
12 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly  
13 wage data, commencing July 1, 2010, on students who have  
14 attended their respective systems to assess the impact of education  
15 on the employment and earnings of those students, to conduct the  
16 annual analysis of district-level and individual district or  
17 postsecondary education system performance in achieving priority  
18 educational outcomes, and to submit the required reports to the  
19 Legislature and the Governor. The information shall be provided  
20 to the extent permitted by federal statutes and regulations.

21 (ac) To provide the Agricultural Labor Relations Board with  
22 employee, wage, and employer information, for use in the  
23 investigation or enforcement of the  
24 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations  
25 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division  
26 2 of the Labor Code). The information shall be provided to the  
27 extent permitted by federal statutes and regulations.

28 (ad) (1) To enable the State Department of Health Care  
29 Services, the California Health Benefit Exchange, the Managed  
30 Risk Medical Insurance Board, and county departments and  
31 agencies to obtain information regarding employee wages,  
32 California employer names and account numbers, employer reports  
33 of wages and number of employees, and disability insurance and  
34 unemployment insurance claim information, for the purpose of:

35 (A) Verifying or determining the eligibility of an applicant for,  
36 or a recipient of, state health subsidy programs, limited to the  
37 Medi-Cal program provided pursuant to Chapter 7 (commencing  
38 with Section 14000) of Part 3 of Division 9 of the Welfare and  
39 Institutions Code, and the Medi-Cal Access Program provided  
40 pursuant to Chapter 2 (commencing with Section 15810) of Part

1 3.3 of Division 9 of the Welfare and Institutions Code, when the  
2 verification or determination is directly connected with, and limited  
3 to, the administration of the state health subsidy programs  
4 referenced in this subparagraph.

5 (B) Verifying or determining the eligibility of an applicant for,  
6 or a recipient of, state or federal subsidies offered through the  
7 California Health Benefit Exchange, provided pursuant to Title  
8 22 (commencing with Section 100500) of the Government Code,  
9 including federal tax credits and cost-sharing assistance pursuant  
10 to the federal Patient Protection and Affordable Care Act (Public  
11 Law 111-148), as amended by the federal Health Care and  
12 Education Reconciliation Act of 2010 (Public Law 111-152), when  
13 the verification or determination is directly connected with, and  
14 limited to, the administration of the California Health Benefit  
15 Exchange.

16 (C) Verifying or determining the eligibility of employees and  
17 employers for health coverage through the Small Business Health  
18 Options Program, provided pursuant to Section 100502 of the  
19 Government Code, when the verification or determination is  
20 directly connected with, and limited to, the administration of the  
21 Small Business Health Options Program.

22 (2) The information provided under this subdivision shall be  
23 subject to the requirements of, and provided to the extent permitted  
24 by, federal law and regulations, including Part 603 of Title 20 of  
25 the Code of Federal Regulations.

26 (ae) To provide any peace officer with the Investigations  
27 Division of the Department of Motor Vehicles with information  
28 pursuant to subdivision (i), when the requesting peace officer has  
29 been designated by the Chief of the Investigations Division and  
30 requests this information in the course of, and as part of, an  
31 investigation into identity theft, counterfeiting, document fraud,  
32 or consumer fraud, and there is reasonable suspicion that the crime  
33 is a felony and that the information would lead to relevant evidence  
34 regarding the identity theft, counterfeiting, document fraud, or  
35 consumer fraud. The information provided pursuant to this  
36 subdivision shall be provided to the extent permitted by federal  
37 law and regulations, and to the extent the information is available  
38 and accessible within the constraints and configurations of existing  
39 department records. Any person who receives any information  
40 under this subdivision shall make a written report of the

1 information to the Investigations Division of the Department of  
2 Motor Vehicles, for filing under the normal procedures of that  
3 division.

4 (af) Until January 1, 2020, to enable the Department of Finance  
5 to prepare and submit the report required by Section 13084 of the  
6 Government Code that identifies all employers in California that  
7 employ 100 or more employees who receive benefits from the  
8 Medi-Cal program (Chapter 7 (commencing with Section 14000)  
9 of Part 3 of Division 9 of the Welfare and Institutions Code). The  
10 information used for this purpose shall be limited to information  
11 obtained pursuant to Section 11026.5 of the Welfare and  
12 Institutions Code and from the administration of personal income  
13 tax wage withholding pursuant to Division 6 (commencing with  
14 Section 13000) and the disability insurance program and may be  
15 disclosed to the Department of Finance only for the purpose of  
16 preparing and submitting the report and only to the extent not  
17 prohibited by federal law.

18 (ag) To provide, to the extent permitted by federal law and  
19 regulations, the Student Aid Commission with wage information  
20 in order to verify the employment status of an individual applying  
21 for a Cal Grant C award pursuant to subdivision (c) of Section  
22 69439 of the Education Code.

23 (ah) To enable the Department of Corrections and Rehabilitation  
24 to obtain quarterly wage data of former inmates who have been  
25 incarcerated within the prison system in order to assess the impact  
26 of rehabilitation services or the lack of these services on the  
27 employment and earnings of these former inmates. Quarterly data  
28 for a former inmate's employment status and wage history shall  
29 be provided for a period of one year, three years, and five years  
30 following release. The data shall only be used for the purpose of  
31 tracking outcomes for former inmates in order to assess the  
32 effectiveness of rehabilitation strategies on the wages and  
33 employment histories of those formerly incarcerated. The  
34 information shall be provided to the department to the extent not  
35 prohibited by federal law.

36 (ai) To enable federal, state, or local government departments  
37 or agencies, or their contracted agencies, subject to federal law,  
38 including the confidentiality, disclosure, and other requirements  
39 set forth in Part 603 of Title 20 of the Code of Federal Regulations,  
40 to evaluate, research, or forecast the effectiveness of public social

services programs administered pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code, or Part A of Subchapter IV of Chapter 7 of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation, research, or forecast is directly connected with, and limited to, the administration of the public social services programs.

(aj) (1) To enable the California Workforce Development Board, the Chancellor of the California Community Colleges, the Superintendent of Public Instruction, the Department of Rehabilitation, the State Department of Social Services, the Bureau for Private Postsecondary Education, the Department of Industrial Relations, the Division of Apprenticeship Standards, the Department of Corrections and Rehabilitation, the ~~Prison Industry~~ *California Correctional Training and Rehabilitation* Authority, the Employment Training Panel, and a chief elected official, as that term is defined in Section 3102(9) of Title 29 of the United States Code, to access any relevant quarterly wage data necessary for the evaluation and reporting of their respective program performance outcomes as required and permitted by various local, state, and federal laws pertaining to performance measurement and program evaluation, including responsibilities arising under Sections 14013, 14033, and 14042 of this code and Sections 2032 and 2038 of the Streets and Highways Code; the federal Workforce Innovation and Opportunity Act (Public Law 113-128); the workforce metrics dashboard pursuant to paragraph (1) of subdivision (i) of Section 14013; the Adult Education Block Grant Program consortia performance metrics pursuant to Section 84920 of the Education Code; the economic and workforce development program performance measures pursuant to Section 88650 of the Education Code; and the California Community Colleges Economic and Workforce Development Program performance measures established in Part 52.5 (commencing with Section 88600) of Division 7 of Title 3 of the Education Code. Disclosures under this subdivision shall comply with federal and state privacy laws that require the informed consent from program participants of city and county departments or agencies that administer public workforce development programs for the evaluation, research, or forecast of their programs regardless of local, state, or federal funding source.

(2) The department shall do all of the following:

1 (A) Consistent with this subdivision, develop the minimum  
2 requirements for granting a request for disclosure of information  
3 authorized by this subdivision regardless of local, state, or federal  
4 funding source.

5 (B) Develop a standard application for submitting a request for  
6 disclosure of information authorized by this subdivision.

7 (C) Approve or deny a request for disclosure of information  
8 authorized by this subdivision, or request additional information,  
9 within 20 business days of receiving the standard application. The  
10 entity submitting the application shall respond to any request by  
11 the department for additional information within 20 business days  
12 of receipt of the department's request. Within 30 calendar days of  
13 receiving any additional information, the department shall provide  
14 a final approval or denial of the request for disclosure of  
15 information authorized by this subdivision. Any approval, denial,  
16 or request for additional information shall be in writing. Denials  
17 shall identify the reason or category of reasons for the denial.

18 (D) Make publicly available on the department's internet website  
19 all of the following:

20 (i) The minimum requirements for granting a request for  
21 disclosure of information authorized by this subdivision, as  
22 developed pursuant to subparagraph (A).

23 (ii) The standard application developed pursuant to subparagraph  
24 (B).

25 (iii) The timeframe for information request determinations by  
26 the department, as specified in subparagraph (C).

27 (iv) Contact information for assistance with requests for  
28 disclosures of information authorized by this subdivision.

29 (v) Any denials for requests of disclosure of information  
30 authorized by this subdivision, including the reason or category  
31 of reasons for the denial.

32 (ak) (1) To provide any peace officer with the Enforcement  
33 Branch of the Department of Insurance with both of the following:

34 (A) Information provided pursuant to subdivision (i) that relates  
35 to a specific insurance fraud investigation involving automobile  
36 insurance fraud, life insurance and annuity fraud, property and  
37 casualty insurance fraud, and organized automobile insurance  
38 fraud. That information shall be provided when the requesting  
39 peace officer has been designated by the Chief of the Fraud  
40 Division of the Department of Insurance and requests the

1 information in the course of, and as part of, an investigation into  
2 the commission of a crime or other unlawful act when there is  
3 reasonable suspicion to believe that the crime or act may be  
4 connected to the information requested and would lead to relevant  
5 information regarding the crime or unlawful act.

6 (B) Employee, wage, employer, and state disability insurance  
7 claim information that relates to a specific insurance fraud  
8 investigation involving health or disability insurance fraud when  
9 the requesting peace officer has been designated by the Chief of  
10 the Fraud Division of the Department of Insurance and requests  
11 the information in the course of, and as part of, an investigation  
12 into the commission of a crime or other unlawful act when there  
13 is reasonable suspicion to believe that the crime or act may be  
14 connected to the information requested and would lead to relevant  
15 information regarding the crime or unlawful act.

16 (2) To enable the State Department of Developmental Services  
17 to obtain quarterly wage data and unemployment insurance claim  
18 data of consumers served by that department for the purposes of  
19 monitoring, program operation and evaluation, and evaluating  
20 employment outcomes, of the Employment First Policy, established  
21 pursuant to Section 4869 of the Welfare and Institutions Code.

22 (3) The information provided pursuant to this subdivision shall  
23 be provided to the extent permitted by federal statutes and  
24 regulations.

25 (a/) To provide the CalSavers Retirement Savings Board with  
26 employer tax information for use in the administration of, and to  
27 facilitate compliance with, the CalSavers Retirement Savings Trust  
28 Act (Title 21 (commencing with Section 100000) of the  
29 Government Code). The information should be limited to the tax  
30 information the director deems appropriate, and shall be provided  
31 to the extent permitted by federal laws and regulations.

32 (am) (1) To enable the Joint Enforcement Strike Force as  
33 established by Section 329, and the Labor Enforcement Task Force,  
34 as established pursuant to Assembly Bill 1464 of the 2011–12  
35 Regular Session (Chapter 21 of the Statutes of 2012), to carry out  
36 their duties.

37 (2) To provide an agency listed in subdivision (a) of Section  
38 329 intelligence, data, including confidential tax and fee  
39 information, documents, information, complaints, or lead referrals  
40 pursuant to Section 15925 of the Government Code.

(an) To enable the Bureau for Private Postsecondary Education to access and use any relevant quarterly wage data necessary to perform the labor market outcome reporting data match pursuant to Section 94892.6 of the Education Code. The information provided pursuant to this subdivision shall be provided to the extent permitted by state and federal laws and regulations.

(ao) To enable the Civil Rights Department to carry out its duties, including ensuring compliance with Section 12999 of the Government Code. Conduct related to information provided pursuant to this subdivision shall not be subject to the criminal sanctions set forth in subdivision (f) of Section 1094.

(ap) To enable the Cradle-to-Career Data System, as established by Article 2 (commencing with Section 10860) of Chapter 8.5 of Part 7 of Division 1 of Title 1 of the Education Code, to receive employment and earnings data and, as required by the director pursuant to Section 10871 of the Education Code, to provide information to the data system, to the extent permissible by federal laws and regulations.

(aq) (1) To enable the State Air Resources Board to receive unpaid final tax assessment information issued to a port drayage motor carrier or short-haul trucking service for misclassification of a commercial driver, for use in the administration of, and to facilitate compliance with, Chapter 3.6 (commencing with Section 39680) of Part 2 of Division 26 of the Health and Safety Code. The information shall be limited to the tax information the director deems appropriate for disclosure and shall be provided only to the extent permitted by federal laws and regulations.

(2) For purposes of this subdivision, the following definitions apply:

(A) “Commercial driver” has the same meaning as defined in Section 2810.4 of the Labor Code.

(B) “Port drayage motor carrier” has the same meaning as defined in Section 2810.4 of the Labor Code.

(C) “Short-haul trucking service” has the same meaning as defined in Section 39682 of the Health and Safety Code.

(ar) To enable the California Health Benefit Exchange to do all of the following:

(1) Notify an employer that an employee has been determined eligible for advance payments of the premium tax credit and cost-sharing reductions and has enrolled in a qualified health plan



1 through the California Health Benefit Exchange, as required  
2 pursuant to Section 155.310(h) of Title 45 of the Code of Federal  
3 Regulations. The information shall include available employer  
4 contact information, including addresses, email addresses, and  
5 telephone numbers.

6 (2) Assist the California Health Benefit Exchange or the State  
7 Department of Health Care Services in determining eligibility for  
8 the insurance affordability programs administered by those state  
9 agencies. The determination of eligibility or entitlement shall  
10 include efforts by either the California Health Benefit Exchange  
11 or the State Department of Health Care Services to assist those  
12 individuals in obtaining that coverage, including informing those  
13 individuals potentially eligible for health coverage of the  
14 availability of that coverage.

15 (3) Verify if a consumer has been offered affordable  
16 comprehensive employer-sponsored health care coverage pursuant  
17 to Title 22 (commencing with Section 100500) of the Government  
18 Code and the federal Patient Protection and Affordable Care Act  
19 (Public Law 111-148). The information shall include available  
20 employer contact information, including addresses, email  
21 addresses, and telephone numbers.

22 (4) Upon the request of either the California Health Benefit  
23 Exchange or the State Department of Health Care Services, the  
24 department shall also provide to the relevant state agency  
25 information on new applicants for unemployment insurance, state  
26 disability insurance, and paid family leave. The California Health  
27 Benefit Exchange and the State Department of Health Care Services  
28 shall at all times request from the department the minimum amount  
29 of information necessary from the information listed in paragraph  
30 (1) of subdivision (a) of Section 100503.9 of the Government  
31 Code, to accomplish the purposes of Section 100503.9 of the  
32 Government Code. The information shall be sent in a manner that  
33 is encrypted or otherwise complies with government data security  
34 best practices, as specified by the California Health Benefit  
35 Exchange. This information shall only be used for the purposes of  
36 outreach and marketing.

37 (5) This subdivision shall become operative no later than  
38 September 1, 2023.

39 *SEC. 72. Section 1808.4 of the Vehicle Code is amended to*  
40 *read:*

1 1808.4. (a) For all of the following persons, the person's home  
2 address that appears in a record of the department is confidential  
3 if the person requests the confidentiality of that information:

- 4 (1) Attorney General.
- 5 (2) State Public Defender.
- 6 (3) A Member of the Legislature.
- 7 (4) An active or retired judge or court commissioner.
- 8 (5) A district attorney.
- 9 (6) A public defender.
- 10 (7) An attorney employed by the Department of Justice, the  
11 office of the State Public Defender, or a county office of the district  
12 attorney or public defender.
- 13 (8) A city attorney, city prosecutor, or an attorney who submits  
14 verification from their public employer that the attorney represents  
15 the city in matters that routinely place the attorney in personal  
16 contact with persons under investigation for, charged with, or  
17 convicted of, committing criminal acts, if that attorney is employed  
18 by a city attorney or city prosecutor.
- 19 (9) A nonsworn police dispatcher.
- 20 (10) A child abuse investigator or social worker, working in  
21 child protective services within a social services department.
- 22 (11) An active or retired peace officer, as defined in Chapter  
23 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
24 Code.
- 25 (12) An employee of the Department of Corrections and  
26 Rehabilitation, Division of Juvenile Facilities, or the ~~Prison~~  
27 ~~Industry~~ *California Correctional Training and Rehabilitation*  
28 Authority specified in Sections 20403 and 20405 of the  
29 Government Code.
- 30 (13) A nonsworn employee of a city police department, a county  
31 sheriff's office, the Department of the California Highway Patrol,  
32 a federal, state, or local detention facility, or a local juvenile hall,  
33 camp, ranch, or home, who submits agency verification that, in  
34 the normal course of the employee's employment, the employee  
35 controls or supervises inmates or is required to have a prisoner in  
36 the employee's care or custody.
- 37 (14) A county counsel assigned to child abuse cases.
- 38 (15) An investigator employed by the Department of Justice, a  
39 county district attorney, or a county public defender.
- 40 (16) A member of a city council.

1 (17) A member of a board of supervisors.

2 (18) A federal prosecutor, criminal investigator, or National  
3 Park Service Ranger working in this state.

4 (19) An active or retired city enforcement officer engaged in  
5 the enforcement of the Vehicle Code or municipal parking  
6 ordinances.

7 (20) An employee of a trial court.

8 (21) A psychiatric social worker employed by a county.

9 (22) A police or sheriff department employee designated by the  
10 chief of police of the department or the sheriff of the county as  
11 being in a sensitive position. A designation pursuant to this  
12 paragraph shall, for purposes of this section, remain in effect for  
13 three years subject to additional designations that, for purposes of  
14 this section, shall remain in effect for additional three-year periods.

15 (23) A state employee in one of the following classifications:

16 (A) Licensing-Registration Examiner, Department of Motor  
17 Vehicles.

18 (B) Motor Carrier Specialist I, Department of the California  
19 Highway Patrol.

20 (C) Museum Security Officer and Supervising Museum Security  
21 Officer.

22 (D) Licensing Program Analyst, State Department of Social  
23 Services.

24 (24) (A) The spouse or child of a person listed in paragraphs  
25 (1) to (23), inclusive, regardless of the spouse's or child's place  
26 of residence.

27 (B) The surviving spouse or child of a peace officer, as defined  
28 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
29 2 of the Penal Code, if the peace officer died in the line of duty.

30 (C) The surviving spouse or child of a judge or court  
31 commissioner, if the judge or court commissioner died in the  
32 performance of their duties.

33 (D) (i) Subparagraphs (A), (B), and (C) do not apply if the  
34 person listed in those subparagraphs was convicted of a crime and  
35 is on active parole or probation.

36 (ii) For requests made on or after January 1, 2011, the person  
37 requesting confidentiality for their spouse or child listed in  
38 subparagraph (A), (B), or (C) shall declare, at the time of the  
39 request for confidentiality, whether the spouse or child has been  
40 convicted of a crime and is on active parole or probation.

(iii) Neither the listed person's employer nor the department shall be required to verify, or be responsible for verifying, that a person listed in subparagraph (A), (B), or (C) was convicted of a crime and is on active parole or probation.

(E) (i) The department shall discontinue holding a home address confidential pursuant to this subdivision for a person specified in subparagraph (A), (B), or (C) who is the child or spouse of a person described in paragraph (4), (9), (11), (13), or (22) if the child or spouse is convicted of a felony in this state or is convicted of an offense in another jurisdiction that, if committed in California, would be a felony.

(ii) The department shall comply with this subparagraph upon receiving notice of a disqualifying conviction from the agency that employs or formerly employed the parent or spouse of the convicted person, or as soon as the department otherwise becomes aware of the disqualifying conviction.

(b) The confidential home address of a person listed in subdivision (a) shall not be disclosed, except to any of the following:

(1) A court.

(2) A law enforcement agency.

(3) The State Board of Equalization.

(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.

(5) A governmental agency to which, under any law, information is required to be furnished from records maintained by the department.

(c) (1) A record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record.

(2) Following termination of office or employment, a confidential home address shall be withheld from public inspection for three years, unless the termination is the result of conviction of a criminal offense or a request to remove confidentiality protections has been made by an employing agency pursuant to paragraph (6). If the termination or separation is the result of the filing of a criminal complaint, a confidential home address shall be withheld from public inspection during the time in which the

1 terminated individual may file an appeal from termination, while  
2 an appeal from termination is ongoing, and until the appeal process  
3 is exhausted, after which confidentiality shall be at the discretion  
4 of the employing agency if the termination or separation is upheld.  
5 Upon reinstatement to an office or employment, the protections  
6 of this section are available.

7 (3) With respect to a retired peace officer, the peace officer's  
8 home address shall be withheld from public inspection permanently  
9 upon request of confidentiality at the time the information would  
10 otherwise be opened. The home address of the surviving spouse  
11 or child listed in subparagraph (B) of paragraph (24) of subdivision  
12 (a) shall be withheld from public inspection for three years  
13 following the death of the peace officer.

14 (4) The department shall inform a person who requests a  
15 confidential home address what agency the individual whose  
16 address was requested is employed by or the court at which the  
17 judge or court commissioner presides.

18 (5) With respect to a retired judge or court commissioner, the  
19 retired judge or court commissioner's home address shall be  
20 withheld from public inspection permanently upon request of  
21 confidentiality at the time the information would otherwise be  
22 opened. The home address of the surviving spouse or child listed  
23 in subparagraph (C) of paragraph (24) of subdivision (a) shall be  
24 withheld from public inspection for three years following the death  
25 of the judge or court commissioner.

26 (6) Following a termination of employment, the terminated  
27 individual's employing agency may request that the department  
28 remove the confidentiality protections of this section for the  
29 terminated individual if no appeal to the termination is filed or if  
30 the termination or separation is upheld. The employing agency  
31 shall certify in its request to the department that no appeal to the  
32 termination has been filed or that the termination or separation has  
33 been upheld. If the terminated individual files an appeal from  
34 termination, the individual's confidential home address shall be  
35 withheld from public inspection while the appeal from termination  
36 is ongoing and until the appeal process is exhausted. The  
37 department shall comply with a request made pursuant to this  
38 paragraph within 45 days of receipt. This paragraph shall not apply  
39 to terminations of employment resulting from the filing of a  
40 criminal complaint.

(d) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, a judge or court commissioner, as specified in paragraph (4) of subdivision (a), or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) or (C) of paragraph (24) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, judge or court commissioner, or the spouses or children of these persons is a felony.

*SEC. 73. Section 5072 of the Vehicle Code is amended to read:*

5072. (a) Any person described in Section 5101 may also apply for a set of "Have a Heart, Be a Star, Help Our Kids" license plates, and the department shall issue those special license plates in lieu of the regular license plates. The "Have a Heart, Be a Star, Help Our Kids" plates shall be distinct from other existing license plates by the inclusion of a well within the portion of the license plate that has the alpha-numeric sequence. The well may be placed in any position within that portion of the license plate. A heart shape, a five-pointed star, a hand shape, a plus-sign shape, shall be imprinted within the well itself. However, for purposes of processing the alpha-numeric sequence, the symbol within the well shall be read as a blank within the alpha-numeric sequence. The Department of Motor Vehicles shall cooperate with representatives of the California Highway Patrol and the ~~Prison Industries~~ *California Correctional Training and Rehabilitation* Authority to design the final shape and dimension of the symbols for these license plates.

(b) An applicant for a license plate described in subdivision (a) may choose to either accept a license plate character sequence assigned by the department that includes one of the four symbols or request a specialized license plate character sequence determined by the applicant that includes one of the four symbols, in accordance with instructions which shall be provided by the department.

(c) In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following "Have a Heart, Be a Star, Help Our Kids" license plate fees shall be paid:

1 (1) Notwithstanding Section 5106, for those specialized license  
2 plates whose character sequence is determined by the license owner  
3 or applicant:

4 (A) Fifty dollars (\$50) for the initial issuance of the plates. These  
5 plates shall be permanent and shall not be required to be replaced.

6 (B) Forty dollars (\$40) for each renewal of registration which  
7 includes the continued display of the plates.

8 (C) Fifteen dollars (\$15) for transfer of the plates to another  
9 vehicle.

10 (D) Thirty-five dollars (\$35) for replacement plates, if the plates  
11 become damaged or unserviceable.

12 (2) For those specialized license plates whose character sequence  
13 is assigned by the department:

14 (A) Twenty dollars (\$20) for the initial issuance of the plates.  
15 These plates shall be permanent and shall not be required to be  
16 replaced.

17 (B) The legally allowed fee for renewal plus fifteen dollars (\$15)  
18 for each renewal of registration, which includes the continued  
19 display of the plates.

20 (C) Fifteen dollars (\$15) for transfer of the plates to another  
21 vehicle.

22 (D) Twenty dollars (\$20) for replacement plates, if the plates  
23 become damaged or unserviceable.

24 (d) When payment of renewal fees is not required as specified  
25 in Section 4000, or when the person determines to retain the “Have  
26 a Heart, Be a Star, Help Our Kids” license plates upon sale, trade,  
27 or other release of the vehicle upon which the plates have been  
28 displayed, the person shall notify the department and the person  
29 may retain the plates.

30 (e) The revenue derived from the additional special fees  
31 provided in this section, less costs incurred by the department, the  
32 Department of the California Highway Patrol, and local law  
33 enforcement for developing and administering this license plate  
34 program pursuant to this section, shall be deposited in the Child  
35 Health and Safety Fund, created pursuant to Chapter 4.6  
36 (commencing with Section 18285) of Part 6 of Division 9 of the  
37 Welfare and Institutions Code, and, when appropriated by the  
38 Legislature shall be available for the purposes specified in that  
39 chapter.

(f) It is the intent of the Legislature that the additional special fees specified in subdivision (e) are not used to replace existing appropriation levels in the 1991–92 Budget Act.

*SEC. 74. Section 755 of the Welfare and Institutions Code is amended to read:*

755. ~~Any~~ (a) A person placed on probation by the juvenile court or adjudged to be a ward of the juvenile court may be permitted by order of the court to reside in a county other than the county of ~~his~~ *their* legal residence, and the court shall retain jurisdiction over ~~such~~ *that* person.

~~Whenever~~

(b) If a ward of the juvenile court is permitted to reside in a county other than the county of ~~his~~ *their* legal residence, ~~he~~ *the* ward may be placed under the supervision of the probation officer of the county of actual residence, with the consent of ~~such~~ *the* probation officer. The ward shall comply with the instructions of ~~such~~ *the* probation officer and upon failure to do so shall be returned to the county of ~~his~~ *their* legal residence for further hearing and order of the court.

(c) *This section applies to wards discharged to probation supervision pursuant to Section 875.*

*SEC. 75. Section 786 of the Welfare and Institutions Code is amended to read:*

786. (a) If a person who has been alleged or found to be a ward of the juvenile court satisfactorily completes (1) an informal program of supervision pursuant to Section 654.2, (2) probation under Section 725, or (3) a term of probation for any offense, the court shall order the petition dismissed. The court shall order sealed all records pertaining to the dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice. Defense counsel for the ~~minors~~ *minor* shall not be ordered to seal their records. The court shall send a copy of the order to each agency and official named in the order, direct the agency or official to seal its records, and specify a date by which the sealed records shall be destroyed. If a record contains a sustained petition rendering the person ineligible to own or possess a firearm until 30 years of age pursuant to Section 29820 of the Penal Code, then the date the sealed records shall be destroyed is the date upon which the person turns 33 years of age. Each agency and official named in the order



1 shall seal the records in its custody as directed by the order, shall  
2 advise the court of its compliance, and, after advising the court,  
3 shall seal the copy of the court's order that was received. The court  
4 shall also provide notice to the person and the person's counsel  
5 that it has ordered the petition dismissed and the records sealed in  
6 the case. The notice shall include an advisement of the person's  
7 right to nondisclosure of the arrest and proceedings, as specified  
8 in subdivision (b).

9 (b) Upon the court's order of dismissal of the petition, the arrest  
10 and other proceedings in the case shall be deemed not to have  
11 occurred and the person who was the subject of the petition may  
12 reply accordingly to an inquiry by employers, educational  
13 institutions, or other persons or entities regarding the arrest and  
14 proceedings in the case.

15 (c) (1) For purposes of this section, satisfactory completion of  
16 an informal program of supervision or another term of probation  
17 described in subdivision (a) shall be deemed to have occurred if  
18 the person has no new findings of wardship or conviction for a  
19 felony offense or a misdemeanor involving moral turpitude during  
20 the period of supervision or probation and if the person has not  
21 failed to substantially comply with the reasonable orders of  
22 supervision or probation that are within their capacity to perform.  
23 The period of supervision or probation shall not be extended solely  
24 for the purpose of deferring or delaying eligibility for dismissal  
25 of the petition and sealing of the records under this section.

26 (2) An unfulfilled order or condition of restitution, including a  
27 restitution fine that can be converted to a civil judgment under  
28 Section 730.6 or an unpaid restitution fee shall not be deemed to  
29 constitute unsatisfactory completion of supervision or probation  
30 under this section.

31 (d) A court shall not seal a record or dismiss a petition pursuant  
32 to this section if the petition was sustained based on the  
33 commission of an offense listed in subdivision (b) of Section 707  
34 that was committed when the individual was 14 years of age or  
35 older unless the finding on that offense was dismissed or was  
36 reduced to a misdemeanor or to a lesser offense that is not listed  
37 in subdivision (b) of Section 707.

38 (e) If a person who has been alleged to be a ward of the juvenile  
39 court has their petition dismissed by the court, whether on the  
40 motion of the prosecution or on the court's own motion, or if the

1 petition is not sustained by the court after an adjudication hearing,  
2 the court shall order sealed all records pertaining to the dismissed  
3 petition in the custody of the juvenile court, and in the custody of  
4 law enforcement agencies, the probation department, or the  
5 Department of Justice. The court shall send a copy of the order to  
6 each agency and official named in the order, direct the agency or  
7 official to seal its records, and specify a date by which the sealed  
8 records shall be destroyed. Each agency and official named in the  
9 order shall seal the records in its custody as directed by the order,  
10 shall advise the court of its compliance, and, after advising the  
11 court, shall seal the copy of the court's order that was received.  
12 The court shall also provide notice to the person and the person's  
13 counsel that it has ordered the petition dismissed and the records  
14 sealed in the case. The notice shall include an advisement of the  
15 person's right to nondisclosure of the arrest and proceedings, as  
16 specified in subdivision (b).

17 (f) (1) The court may, in making its order to seal the record and  
18 dismiss the instant petition pursuant to this section, include an  
19 order to seal a record relating to, or to dismiss, any prior petition  
20 or petitions that have been filed or sustained against the individual  
21 and that appear to the satisfaction of the court to meet the sealing  
22 and dismissal criteria otherwise described in this section.

23 (2) An individual who has a record that is eligible to be sealed  
24 under this section may ask the court to order the sealing of a record  
25 pertaining to the case that is in the custody of a public agency other  
26 than a law enforcement agency, the probation department, or the  
27 Department of Justice, and the court may grant the request and  
28 order that the public agency record be sealed if the court determines  
29 that sealing the additional record will promote the successful  
30 reentry and rehabilitation of the individual.

31 (g) (1) A record that has been ordered sealed by the court under  
32 this section may be accessed, inspected, or utilized only under any  
33 of the following circumstances:

34 (A) By the prosecuting attorney, the probation department, or  
35 the court for the limited purpose of determining whether the minor  
36 is eligible and suitable for deferred entry of judgment pursuant to  
37 Section 790 or is ineligible for a program of supervision as defined  
38 in Section 654.3.

1 (B) By the court for the limited purpose of verifying the prior  
2 jurisdictional status of a ward who is petitioning the court to resume  
3 its jurisdiction pursuant to subdivision (e) of Section 388.

4 (C) If a new petition has been filed against the minor for a felony  
5 offense, by the probation department for the limited purpose of  
6 identifying the minor's previous court-ordered programs or  
7 placements, and in that event solely to determine the individual's  
8 eligibility or suitability for remedial programs or services. The  
9 information obtained pursuant to this subparagraph shall not be  
10 disseminated to other agencies or individuals, except as necessary  
11 to implement a referral to a remedial program or service, and shall  
12 not be used to support the imposition of penalties, detention, or  
13 other sanctions upon the minor.

14 (D) Upon a subsequent adjudication of a minor whose record  
15 has been sealed under this section and a finding that the minor is  
16 a person described by Section 602 based on the commission of a  
17 felony offense, by the probation department, the prosecuting  
18 attorney, counsel for the minor, or the court for the limited purpose  
19 of determining an appropriate juvenile court disposition. Access,  
20 inspection, or use of a sealed record as provided under this  
21 subparagraph shall not be construed as a reversal or modification  
22 of the court's order dismissing the petition and sealing the record  
23 in the prior case.

24 (E) Upon the prosecuting attorney's motion, made in accordance  
25 with Section 707, to initiate court proceedings to determine whether  
26 the case should be transferred to a court of criminal jurisdiction,  
27 by the probation department, the prosecuting attorney, counsel for  
28 the minor, or the court for the limited purpose of evaluating and  
29 determining if such a transfer is appropriate. Access, inspection,  
30 or use of a sealed record as provided under this subparagraph shall  
31 not be construed as a reversal or modification of the court's order  
32 dismissing the petition and sealing the record in the prior case.

33 (F) By the person whose record has been sealed, upon their  
34 request and petition to the court to permit inspection of the records.

35 (G) By the probation department of any county to access the  
36 records for the limited purpose of meeting federal Title IV-B and  
37 Title IV-E compliance.

38 (H) The child welfare agency of a county responsible for the  
39 supervision and placement of a minor or nonminor dependent may  
40 access a record that has been ordered sealed by the court under

1 this section for the limited purpose of determining an appropriate  
2 placement or service that has been ordered for the minor or  
3 nonminor dependent by the court. The information contained in  
4 the sealed record and accessed by the child welfare worker or  
5 agency under this subparagraph may be shared with the court but  
6 shall in all other respects remain confidential and shall not be  
7 disseminated to any other person or agency. Access to the sealed  
8 record under this subparagraph shall not be construed as a  
9 modification of the court's order dismissing the petition and sealing  
10 the record in the case.

11 (I) By the prosecuting attorney for the evaluation of charges  
12 and prosecution of offenses pursuant to Section 29820 of the Penal  
13 Code.

14 (J) By the Department of Justice for the purpose of determining  
15 if the person is suitable to purchase, own, or possess a firearm,  
16 consistent with Section 29820 of the Penal Code.

17 (K) (i) A record that has been sealed pursuant to this section  
18 may be accessed, inspected, or utilized by the prosecuting attorney  
19 in order to meet a statutory or constitutional obligation to disclose  
20 favorable or exculpatory evidence to a defendant in a criminal case  
21 in which the prosecuting attorney has reason to believe that access  
22 to the record is necessary to meet the disclosure obligation. A  
23 request to access information in the sealed record for this purpose,  
24 including the prosecutor's rationale for believing that access to  
25 the information in the record may be necessary to meet the  
26 disclosure obligation and the date by which the records are needed,  
27 shall be submitted by the prosecuting attorney to the juvenile court.  
28 The juvenile court shall notify the person having the sealed record,  
29 including the person's attorney of record, that the court is  
30 considering the prosecutor's request to access the record, and the  
31 court shall provide that person with the opportunity to respond, in  
32 writing or by appearance, to the request prior to making its  
33 determination. The juvenile court shall review the case file and  
34 records that have been referenced by the prosecutor as necessary  
35 to meet the disclosure obligation and any response submitted by  
36 the person having the sealed record. The court shall approve the  
37 prosecutor's request to the extent that the court has, upon review  
38 of the relevant records, determined that access to a specific sealed  
39 record or portion of a sealed record is necessary to enable the  
40 prosecuting attorney to comply with the disclosure obligation. If

1 the juvenile court approves the prosecuting attorney's request, the  
2 court shall state on the record appropriate limits on the access,  
3 inspection, and utilization of the sealed record information in order  
4 to protect the confidentiality of the person whose sealed record is  
5 accessed pursuant to this subparagraph. A ruling allowing  
6 disclosure of information pursuant to this subdivision does not  
7 affect whether the information is admissible in a criminal or  
8 juvenile proceeding. This subparagraph does not impose any  
9 discovery obligations on a prosecuting attorney that do not already  
10 exist.

11 (ii) This subparagraph shall not apply to juvenile case files  
12 pertaining to matters within the jurisdiction of the juvenile court  
13 pursuant to Section 300.

14 (L) If a new petition has been filed against the minor in juvenile  
15 court and the issue of competency is raised, by the probation  
16 department, the prosecuting attorney, counsel for the minor, and  
17 the court for the purpose of assessing the minor's competency in  
18 the proceedings on the new petition. Access, inspection, or  
19 utilization of the sealed records is limited to any prior competency  
20 evaluations submitted to the court, whether ordered by the court  
21 or not, all reports concerning remediation efforts and success, all  
22 court findings and orders relating to the minor's competency, and  
23 any other evidence submitted to the court for consideration in  
24 determining the minor's competency, including, but not limited  
25 to, school records and other test results. The information obtained  
26 pursuant to this subparagraph shall not be disseminated to any  
27 other person or agency except as necessary to evaluate the minor's  
28 competency or provide remediation services, and shall not be used  
29 to support the imposition of penalties, detention, or other sanctions  
30 on the minor. Access to the sealed record under this subparagraph  
31 shall not be construed as a modification of the court's order  
32 dismissing the petition and sealing the record in the case.

33 (M) A record that was sealed pursuant to this section that was  
34 generated in connection with the investigation, prosecution, or  
35 adjudication of a qualifying offense as defined in subdivision (c)  
36 of Section 679.10 of the Penal Code may be accessed by a judge  
37 or prosecutor for the limited purpose of processing a request of a  
38 victim or victim's family member to certify victim helpfulness on  
39 the Form I-918 Supplement B certification or Form I-914  
40 Supplement B declaration. The information obtained pursuant to

1 this subparagraph shall not be disseminated to other agencies or  
2 individuals, except as necessary to certify victim helpfulness on  
3 the Form I-918 Supplement B certification or Form I-914  
4 Supplement B declaration, and under no circumstances shall it be  
5 used to support the imposition of penalties, detention, or other  
6 sanctions upon an individual.

7 (2) When a record has been sealed by the court based on a  
8 dismissed petition pursuant to subdivision (e), the prosecutor,  
9 within six months of the date of dismissal, may petition the court  
10 to access, inspect, or utilize the sealed record for the limited  
11 purpose of refileing the dismissed petition based on new  
12 circumstances, including, but not limited to, new evidence or  
13 witness availability. The court shall determine whether the new  
14 circumstances alleged by the prosecutor provide sufficient  
15 justification for accessing, inspecting, or utilizing the sealed record  
16 in order to refile the dismissed petition.

17 (3) Access to, or inspection of, a sealed record authorized by  
18 paragraphs (1) and (2) shall not be deemed an unsealing of the  
19 record and shall not require notice to any other agency.

20 (h) (1) This section does not prohibit a court from enforcing a  
21 civil judgment for an unfulfilled order of restitution ordered  
22 pursuant to Section 730.6. A minor is not relieved from the  
23 obligation to pay victim restitution, restitution fines, and  
24 court-ordered fines and fees because the minor's records are sealed.

25 (2) A victim or a local collection program may continue to  
26 enforce victim restitution orders, restitution fines, and court-ordered  
27 fines and fees after a record is sealed. The juvenile court shall have  
28 access to records sealed pursuant to this section for the limited  
29 purpose of enforcing a civil judgment or restitution order.

30 (i) This section does not prohibit the State Department of Social  
31 Services from meeting its obligations to monitor and conduct  
32 periodic evaluations of, and provide reports on, the programs  
33 carried under federal Title IV-B and Title IV-E as required by  
34 Sections 622, 629 et seq., and 671(a)(7) and (22) of Title 42 of the  
35 United States Code, as implemented by federal regulation and state  
36 statute.

37 (j) The Judicial Council shall adopt rules of court, and shall  
38 make available appropriate forms, providing for the standardized  
39 implementation of this section by the juvenile courts.

1     *SEC. 76. Section 788 of the Welfare and Institutions Code is*  
2     *amended to read:*

3     788. (a) Notwithstanding Section 781, of this code or Section  
4     1203.47 of the Penal Code, if a petition has been filed with a  
5     juvenile court to commence proceedings to adjudge a person a  
6     ward of the court, the county probation officer shall do either of  
7     the following once the person has reached 18 years of age:

8     (1) If the person will not remain under the juvenile court's  
9     delinquency jurisdiction, the county probation officer shall petition  
10    the court to seal the records relating to the person's case that are  
11    in the custody of the juvenile court, probation officer, law  
12    enforcement agency, or any other private or public agency. The  
13    probation officer shall provide a copy of the petition to the minor  
14    and their counsel at least 30 days prior to filing the petition.

15    (2) If the person will remain under the juvenile court's  
16    delinquency jurisdiction, the county probation officer shall petition  
17    the court as specified in paragraph (1) no later than one year after  
18    the termination of the juvenile court's delinquency jurisdiction.

19    (b) All of the following shall not be sealed pursuant to this  
20    section:

21    (1) A person's juvenile court records relating to a case that was  
22    transferred from juvenile court to a court of criminal jurisdiction  
23    under Section 707.1 if the person was convicted in the court of  
24    criminal jurisdiction.

25    (2) A person's juvenile court records relating to an offense listed  
26    in subdivision (b) of Section 707 that was committed when the  
27    person was 14 years of age or older, unless that offense was  
28    dismissed or reduced to a misdemeanor or a lesser offense that is  
29    not listed in subdivision (b) of Section 707.

30    (3) A person's juvenile court records relating to an offense for  
31    which the person is required to register pursuant to Section 290.008  
32    of the Penal Code.

33    (c) If the court finds that the person has not been convicted of  
34    a felony or a misdemeanor involving moral turpitude after the  
35    juvenile court's jurisdiction was terminated, it shall order sealed  
36    all records, papers, and exhibits in the person's case that are in the  
37    custody of the juvenile court, law enforcement agency, probation  
38    department, Department of Justice, or any other private or public  
39    agency, including the juvenile court record, minute book entries,  
40    docket entries, and arrest records. The person's defense counsel

1 shall not be ordered to seal their records. The court shall send a  
2 copy of the order to each agency named in the order. Each agency  
3 shall seal the records in its custody as directed by the order, send  
4 a notice to the court that it has complied with the order, and seal  
5 the copy of the court's order the agency received.

6 (d) If the court has ordered the person's records sealed, the  
7 proceedings of the sealed case shall be deemed never to have  
8 occurred and the person may properly reply accordingly to any  
9 inquiry about the events.

10 (e) When the probation officer does not file a petition pursuant  
11 to this section, the probation officer shall notify, in writing, the  
12 person and their counsel of the reason for not filing the petition.

13 (f) (1) A record that has been ordered sealed by the court under  
14 this section may be accessed, inspected, or utilized only under any  
15 of the following circumstances:

16 (A) If the person who is the subject of the sealed records  
17 petitions the court to permit inspection of the records and the court  
18 grants inspection.

19 (B) By the court for the limited purpose of verifying the prior  
20 jurisdictional status of a ward who is petitioning the court to resume  
21 its jurisdiction pursuant to subdivision (e) of Section 388.

22 (C) (i) By the prosecuting attorney in order to meet a statutory  
23 or constitutional obligation to disclose favorable or exculpatory  
24 evidence to a defendant in a criminal case in which the prosecuting  
25 attorney has reason to believe that access to the record is necessary  
26 to meet the disclosure obligation. The prosecuting attorney shall  
27 submit a request to the juvenile court to access information in the  
28 sealed record for this purpose. The request shall include the  
29 prosecutor's rationale for believing that access to the information  
30 in the record may be necessary to meet the disclosure obligation  
31 and the date by which the records are needed. The juvenile court  
32 shall notify the subject of the sealed records and their attorney of  
33 the prosecutor's request and provide them with the opportunity to  
34 respond, in writing or by appearance, to the request. The court  
35 shall approve the prosecutor's request if, upon review of the  
36 relevant records, it determines that access to a specific sealed  
37 record or portion of a sealed record is necessary to enable the  
38 prosecuting attorney to comply with the disclosure obligation. If  
39 the juvenile court approves the prosecuting attorney's request, the  
40 court shall state on the record appropriate limits on the access,



1 inspection, and utilization of the sealed records in order to protect  
2 the confidentiality of the subject of the sealed records. A court  
3 ruling allowing disclosure of information pursuant to this  
4 subdivision does not affect whether the information is admissible  
5 in a criminal or juvenile proceeding.

6 (ii) This subparagraph does not impose any additional discovery  
7 obligations on a prosecuting attorney.

8 (iii) This subparagraph does not apply to juvenile case files  
9 pertaining to matters within the jurisdiction of the juvenile court  
10 pursuant to Section 300.

11 (2) Access to, or inspection of, a sealed record authorized by  
12 this subdivision is not considered an unsealing of the record and  
13 does not require notice to any other agency.

14 ~~(h)~~

15 (g) (1) This section does not apply to records in the custody of  
16 the Department of Motor Vehicles relating to a conviction for an  
17 offense under the Vehicle Code or any local ordinance relating to  
18 the operation, stopping and standing, or parking of a vehicle if the  
19 record of the conviction would be a public record under Section  
20 1808 of the Vehicle Code. However, if a court orders the record  
21 containing this conviction to be sealed under this section, and the  
22 department maintains a public record of the conviction, the court  
23 shall notify the department of the sealing.

24 (2) Notwithstanding any other law, if the department is notified  
25 by the court of a sealing pursuant to this subdivision, the  
26 department shall allow access to its record of conviction only to  
27 the subject of the record and to insurers that have been granted  
28 requestor code numbers by the department. An insurer that has  
29 been given access to a record of conviction shall be given notice  
30 of the sealing when the record is disclosed. The insurer may use  
31 the information contained in the record for purposes of determining  
32 eligibility for insurance and insurance rates for the subject of the  
33 record. The insurer shall not use the information for any other  
34 purpose and shall not disclose it to any other person or agency.

35 ~~(i)~~

36 (h) A petition for sealing shall not be denied due to an unfulfilled  
37 order of restitution or restitution fine.

38 ~~(j)~~

39 (i) (1) This section does not prohibit a court from enforcing a  
40 civil judgment for an unfulfilled order of restitution obtained

1 pursuant to Section 730.6. A person is not relieved from the  
2 obligation to pay victim restitution, a restitution fine, or a  
3 court-ordered fine because their records are sealed.

4 (2) The juvenile court shall have access to any records sealed  
5 pursuant to this section for the limited purpose of enforcing a civil  
6 judgment or restitution order.

7 ~~(k)~~

8 (j) A court shall not grant relief under this section unless the  
9 prosecuting attorney has been given 15 days' notice of the petition  
10 for sealing. The probation officer shall notify the prosecuting  
11 attorney when a petition is filed. If the prosecuting attorney fails  
12 to appear or object to the petition after receiving notice, the  
13 prosecuting attorney shall not move to set aside or otherwise appeal  
14 the grant of that petition.

15 ~~(h)~~

16 (k) Unless the court determines there is good cause to retain the  
17 juvenile court record, the court shall order the destruction of a  
18 person's juvenile court records that are sealed pursuant to this  
19 section.

20 (1) If the subject of the record was alleged or adjudged to be a  
21 person described by Section 601, the court shall order the  
22 destruction five years after the record was ordered sealed.

23 (2) If the subject of the record was alleged or adjudged to be a  
24 person described by Section 602, the court shall order the  
25 destruction when the subject reaches 38 years of age. If the subject  
26 was found to be a person described in Section 602 because of the  
27 commission of an offense listed in subdivision (b) of Section 707  
28 and was 14 years of age or older at the time of the offense, the  
29 records shall not be destroyed.

30 (3) The court shall order any other agency in possession of  
31 sealed records to destroy its records five years after the records  
32 were ordered sealed.

33 ~~(m)~~

34 (l) The relief provided in this section does not preclude any  
35 other relief provided by law.

36 *SEC. 77. Section 16001.9 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 16001.9. (a) All children placed in foster care, either  
39 voluntarily or after being adjudged a ward or dependent of the  
40 juvenile court pursuant to Section 300, 601, or 602, shall have the

1 rights specified in this section. These rights also apply to nonminor  
2 dependents in foster care, except when they conflict with nonminor  
3 dependents' retention of all their legal decisionmaking authority  
4 as an adult. The rights are as follows:

5 (1) To live in a safe, healthy, and comfortable home where they  
6 are treated with respect. If the child is an Indian child, to live in a  
7 home that upholds the prevailing social and cultural standards of  
8 the child's Indian community, including, but not limited to, family,  
9 social, and political ties.

10 (2) To be free from physical, sexual, emotional, or other abuse,  
11 corporal punishment, and exploitation.

12 (3) To receive adequate and healthy food, adequate clothing,  
13 grooming and hygiene products, and an age-appropriate allowance.  
14 Clothing and grooming and hygiene products shall respect the  
15 child's culture, ethnicity, and gender identity and expression.

16 (4) To be placed in the least restrictive setting possible,  
17 regardless of age, physical health, mental health, sexual orientation,  
18 and gender identity and expression, juvenile court record, or status  
19 as a pregnant or parenting youth, unless a court orders otherwise.

20 (5) To be placed with a relative or nonrelative extended family  
21 member if an appropriate and willing individual is available.

22 (6) To not be locked in any portion of their foster care  
23 placement, unless placed in a community treatment facility.

24 (7) To have a placement that utilizes trauma-informed and  
25 evidence-based—~~deescalation~~ *de-escalation* and intervention  
26 techniques, to have law enforcement intervention requested only  
27 when there is an imminent threat to the life or safety of a child or  
28 another person or as a last resort after other diversion and  
29 ~~deescalation~~ *de-escalation* techniques have been utilized, and to  
30 not have law enforcement intervention used as a threat or in  
31 retaliation against the child.

32 (8) To not be detained in a juvenile detention facility based on  
33 their status as a dependent of the juvenile court or the child welfare  
34 services department's inability to provide a foster care placement.  
35 If they are detained, to have all the rights afforded under the United  
36 States Constitution, the California Constitution, and all applicable  
37 state and federal laws.

38 (9) To have storage space for private use.

39 (10) To be free from unreasonable searches of personal  
40 belongings.

(11) To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding, and to communicate with these individuals privately.

(12) To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with the child's siblings.

(13) To make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.

(14) To have social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends. If the child is an Indian child, to have the right to have contact with tribal members and members of their Indian community consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(15) To attend religious services, activities, and ceremonies of the child's choice, including, but not limited to, engaging in traditional Native American religious practices.

(16) To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and expression.

(17) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status.

(18) To have caregivers, child welfare and probation personnel, and legal counsel who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.

1 (19) To be placed in out-of-home care according to their gender  
2 identity, regardless of the gender or sex listed in their court, child  
3 welfare, medical, or vital records, to be referred to by the child's  
4 preferred name and gender pronoun, and to maintain privacy  
5 regarding sexual orientation and gender identity and expression,  
6 unless the child permits the information to be disclosed, or  
7 disclosure is required to protect their health and safety, or  
8 disclosure is compelled by law or a court order.

9 (20) To have child welfare and probation personnel and legal  
10 counsel who have received instruction on the federal Indian Child  
11 Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and on cultural  
12 competency and sensitivity relating to, and best practices for,  
13 providing adequate care to Indian children in out-of-home care.

14 (21) To have recognition of the child's political affiliation with  
15 an Indian tribe or Alaskan village, including a determination of  
16 the child's membership or citizenship in an Indian tribe or Alaskan  
17 village; to receive assistance in becoming a member of an Indian  
18 tribe or Alaskan village in which the child is eligible for  
19 membership or citizenship; to receive all benefits and privileges  
20 that flow from membership or citizenship in an Indian tribe or  
21 Alaskan village; and to be free from discrimination based on the  
22 child's political affiliation with an Indian tribe or Alaskan village.

23 (22) (A) To access and receive medical, dental, vision, mental  
24 health, and substance use disorder services, and reproductive and  
25 sexual health care, with reasonable promptness that meets the  
26 needs of the child, to have diagnoses and services explained in an  
27 understandable manner, and to participate in decisions regarding  
28 health care treatment and services. This right includes covered  
29 gender affirming health care and gender affirming mental health  
30 care, and is subject to existing laws governing consent to health  
31 care for minors and nonminors and does not limit, add, or otherwise  
32 affect applicable laws governing consent to health care.

33 (B) To view and receive a copy of their medical records to the  
34 extent they have the right to consent to the treatment provided in  
35 the medical record and at no cost to the child until they are 26  
36 years of age.

37 (23) Except in an emergency, to be free of the administration  
38 of medication or chemical substances, and to be free of all  
39 psychotropic medications unless prescribed by a physician, and  
40 in the case of children, authorized by a judge, without consequences

1 or retaliation. The child has the right to consult with and be  
2 represented by counsel in opposing a request for the administration  
3 of psychotropic medication and to provide input to the court about  
4 the request to authorize medication. The child also has the right  
5 to report to the court the positive and adverse effects of the  
6 medication and to request that the court reconsider, revoke, or  
7 modify the authorization at any time.

8 (24) (A) To have access to age-appropriate, medically accurate  
9 information about reproductive health care, the prevention of  
10 unplanned pregnancy, and the prevention and treatment of sexually  
11 transmitted infections.

12 (B) At any age, to consent to or decline services regarding  
13 contraception, pregnancy care, and perinatal care, including, but  
14 not limited to, abortion services and health care services for sexual  
15 assault without the knowledge or consent of any adult.

16 (C) At 12 years of age or older, to consent to or decline health  
17 care services to prevent, test for, or treat sexually transmitted  
18 diseases, including HIV, and mental health services, without the  
19 consent or knowledge of any adult.

20 (25) At 12 years of age or older, to choose, whenever feasible  
21 and in accordance with applicable law, their own health care  
22 provider for medical, dental, vision, mental health, substance use  
23 disorder services, and sexual and reproductive health care, if  
24 payment for the service is authorized under applicable federal  
25 Medicaid law or other approved insurance, and to communicate  
26 with that health care provider regarding any treatment concerns  
27 or needs and to request a second opinion before being required to  
28 undergo invasive medical, dental, or psychiatric treatment.

29 (26) To confidentiality of medical and mental health records,  
30 including, but not limited to, HIV status, substance use disorder  
31 history and treatment, and sexual and reproductive health care,  
32 consistent with existing law.

33 (27) To attend school, to remain in the child's school of origin,  
34 to immediate enrollment upon a change of school, to partial credits  
35 for any coursework completed, and to priority enrollment in  
36 preschool, after school programs, a California State University,  
37 and each community college district, and to receive all other  
38 necessary educational supports and benefits, as described in the  
39 Education Code.

1 (28) To have access to existing information regarding the  
2 educational options available, including, but not limited to, the  
3 coursework necessary for career, technical, and postsecondary  
4 educational programs, and information regarding financial aid for  
5 postsecondary education, and specialized programs for current and  
6 former foster children available at the University of California,  
7 the California State University, and the California Community  
8 Colleges.

9 (29) To attend Independent Living Program classes and  
10 activities, if the child meets the age requirements, and to not be  
11 prevented by caregivers from attending as a consequence or  
12 punishment.

13 (30) To maintain a bank account and manage personal income,  
14 consistent with the child's age and developmental level, unless  
15 prohibited by the case plan.

16 (31) To work and develop job skills at an age-appropriate level,  
17 consistent with state law.

18 (32) For children 14 to 17 years of age, inclusive, to receive a  
19 consumer credit report provided to the child by the social worker  
20 or probation officer on an annual basis from each of the three major  
21 credit reporting agencies, and to receive assistance with interpreting  
22 and resolving any inaccuracies.

23 (33) To be represented by an attorney in juvenile court; to have  
24 an attorney appointed to advise the court of the child's wishes, to  
25 advocate for the child's protection, safety, and well-being, and to  
26 investigate and report to the court on legal interests beyond the  
27 scope of the juvenile proceeding; to speak to the attorney  
28 confidentially; and to request a hearing if the child feels their  
29 appointed counsel is not acting in their best interest or adequately  
30 representing their legal interests.

31 (34) (A) To receive a notice of court hearings, to attend court  
32 hearings, to speak to the judge, to view and receive a copy of the  
33 court file, subject to existing federal and state confidentiality laws,  
34 and to object to or request the presence of interested persons during  
35 court hearings. If the child is an Indian child, to have a  
36 representative designated by the child's Indian tribe be in  
37 attendance during hearings.

38 (B) When a child is entitled to receive a copy of the court report,  
39 case plan, and transition to independent living plan (TILP), those  
40 items shall be provided in the child's primary language.

1 (35) To the confidentiality of all juvenile court records consistent  
2 with existing law.

3 (36) To view and receive a copy of their child welfare records,  
4 juvenile court records, and educational records at no cost to the  
5 child until the child is 26 years of age, subject to existing federal  
6 and state confidentiality laws.

7 (37) To be involved in the development of their own case plan,  
8 including placement decisions, and plan for permanency. This  
9 involvement includes, but is not limited to, the development of  
10 case plan elements related to placement and gender affirming  
11 health care, with consideration of the child's gender identity. If  
12 the child is an Indian child, the case plan shall include protecting  
13 the essential tribal relations and best interests of the Indian child  
14 by assisting the child in establishing, developing, and maintaining  
15 political, cultural, and social relationships with the child's Indian  
16 tribe and Indian community.

17 (38) To review the child's own case plan and plan for permanent  
18 placement if the child is 10 years of age or older, and to receive  
19 information about their out-of-home placement and case plan,  
20 including being told of changes to the plan.

21 (39) To request and participate in a child and family team  
22 meeting, as follows:

23 (A) Within 60 days of entering foster care, and every 6 months  
24 thereafter.

25 (B) If placed in a short-term residential therapeutic program, or  
26 receiving intensive home-based services or intensive case  
27 coordination, or receiving therapeutic foster care services, to have  
28 a child and family team meeting at least every 90 days.

29 (C) To request additional child and family team meetings to  
30 address concerns, including, but not limited to, placement  
31 disruption, change in service needs, addressing barriers to sibling  
32 or family visits, and addressing difficulties in coordinating services.

33 (D) To have both informal and formal support people participate,  
34 consistent with state law.

35 (40) (A) To be informed of these rights in an age and  
36 developmentally appropriate manner by the social worker or  
37 probation officer and to be provided a copy of the rights in this  
38 section at the time of placement, any placement change, and at  
39 least once every six months or at the time of a regularly scheduled  
40 contact with the social worker or probation officer.



1 (B) For a child who speaks a primary language other than  
2 English, to be provided a copy of the child's rights in the child's  
3 primary language.

4 (41) To be provided with contact information for the Community  
5 Care Licensing Division of the State Department of Social Services,  
6 the tribal authority approving a tribally approved home, and the  
7 State Foster Care Ombudsperson, at the time of each placement,  
8 and to contact any or all of these offices immediately upon request  
9 regarding violations of rights, to speak to representatives of these  
10 offices confidentially, and to be free from threats or punishment  
11 for making complaints.

12 (b) The rights described in this section are broad expressions  
13 of the rights of children in foster care and are not exhaustive of all  
14 rights set forth in the United States Constitution and the California  
15 Constitution, federal and California statutes, and case law.

16 (c) This section does not require, and shall not be interpreted  
17 to require, a foster care provider to take any action that would  
18 impair the health and safety of children in out-of-home placement.

19 (d) The State Department of Social Services and each county  
20 welfare department are encouraged to work with the Student Aid  
21 Commission, the University of California, the California State  
22 University, and the California Community Colleges to receive  
23 information pursuant to paragraph (28) of subdivision (a).

24 *SEC. 78. Section 16527 of the Welfare and Institutions Code*  
25 *is amended to read:*

26 16527. (a) The department shall establish a statewide hotline  
27 as the entry point for the Family Urgent Response System, which  
28 shall be available 24 hours a day, seven days a week, to respond  
29 to calls from a caregiver or current or former foster child or youth  
30 during moments of instability. Both of the following shall be  
31 available through this hotline:

32 (1) Hotline workers who are trained in techniques for  
33 ~~deescalation~~ *de-escalation* and conflict resolution telephone  
34 response specifically for children or youth impacted by trauma.

35 (2) Referrals to a county-based mobile response system,  
36 established pursuant to Section 16529, for further support and  
37 in-person response. Referrals shall occur as follows:

38 (A) A warm handoff whereby the hotline worker establishes  
39 direct and live connection through a three-way call that includes  
40 the caregiver, child or youth, and county contact. The caregiver,

1 child, or youth may decline the three-way contact with the county  
2 contact if they feel their situation has been resolved at the time of  
3 the call.

4 (B) If a direct communication cannot be established pursuant  
5 to subparagraph (A), a referral directly to the community- or  
6 county-based service and a followup call to ensure that a  
7 connection to the caregiver, child, or youth occurs.

8 (C) The hotline worker shall contact the caregiver and the child  
9 or youth within 24 hours after the initial call required under  
10 subparagraph (A) or (B) to offer additional support, if needed.

11 (b) The statewide hotline shall maintain contact information for  
12 all county-based mobile response systems, based on information  
13 provided by counties, for referrals to local services, including, but  
14 not limited to, county-based mobile response and stabilization  
15 teams.

16 (c) The department shall ensure that deidentified, aggregated  
17 data are collected regarding individuals served through the  
18 statewide hotline and county-based mobile response systems and  
19 shall publish a report on the department's internet website by  
20 January 1, 2022, and annually by January 1 thereafter, in  
21 consultation with stakeholders, including, but not limited to, the  
22 County Welfare Directors Association of California, the Chief  
23 Probation Officers of California, and the County Behavioral Health  
24 Directors Association of California. The data shall be collected  
25 using automated procedures or other matching methods mutually  
26 agreed upon by the state and county agencies, including, but not  
27 limited to, the statewide child welfare automation management  
28 system, and shall include all of the following information:

29 (1) The number of caregivers served through the hotline,  
30 separated by placement type and status as a current or former foster  
31 caregiver.

32 (2) The number of current and former foster children or youth  
33 served through the hotline, separated by county agency type,  
34 current or former foster care status, age, gender, race, and whether  
35 the call was made by the caregiver or the child or youth.

36 (3) The disposition of each call, including, but not limited to,  
37 whether mobile response and stabilization services were provided  
38 or a referral was made to other services.

1 (4) County-based outcome data, including, but not limited to,  
2 placement stability, return into foster care, movement from child  
3 welfare to juvenile justice, and timeliness to permanency.

4 (d) The department may meet the requirements of this section  
5 through contract with an entity with demonstrated experience in  
6 working with populations of children or youth who have suffered  
7 trauma and with capacity to provide a 24-hour-a-day,  
8 seven-day-a-week response that includes mediation, relationship  
9 preservation for the caregiver and the child or youth, and a  
10 family-centered and developmentally appropriate approach with  
11 the caregiver and the child or youth.

12 (e) The department, in consultation with stakeholders, including  
13 current and former foster youth and caregivers, shall do all of the  
14 following:

15 (1) Develop methods and materials for informing all caregivers  
16 and current or former foster children or youth about the statewide  
17 hotline, including a dissemination plan for those materials, which  
18 shall include, at a minimum, making those materials publicly  
19 available through the department's internet website.

20 (2) Establish protocols for triage and response.

21 (3) Establish minimum education and training requirements for  
22 hotline workers.

23 (4) Consider expanding the statewide hotline to include  
24 communication through electronic means, including, but not limited  
25 to, text messaging or email.

26 (f) (1) The statewide hotline shall be operational no sooner than  
27 January 1, 2021, and on the same date as the county mobile  
28 response system created pursuant to this chapter.

29 (2) Notwithstanding paragraph (1), the statewide hotline may  
30 operate sooner than January 1, 2021, or prior to the date that each  
31 county has created a county mobile response system, upon  
32 notification from each county to the department that the county  
33 satisfies one of the following requirements:

34 (A) Has established a county mobile response system created  
35 pursuant to this chapter.

36 (B) Has an alternative method to accept and respond to referrals  
37 from the statewide hotline pending the establishment of the county  
38 mobile response system.

(g) The department shall assist, as needed, the State Department of Health Care Services in exercising its authority pursuant to subdivision (b) of Section 16528.

*SEC. 79. Section 16529 of the Welfare and Institutions Code is amended to read:*

16529. (a) County child welfare, probation, and behavioral health agencies, in each county or region of counties as specified in subdivision (e), shall establish a joint county-based mobile response system that includes a mobile response and stabilization team for the purpose of providing supportive services to address situations of instability, preserve the relationship of the caregiver and the child or youth, develop healthy conflict resolution and relationship skills, promote healing as a family, and stabilize the situation.

(b) In each county or region of counties, the county child welfare, probation, and behavioral health agencies, in consultation with other relevant county agencies, tribal representatives, caregivers, and current or former foster children or youth, shall submit a single, coordinated plan to the department that describes how the county-based mobile response system shall meet the requirements described in subdivision (c). The plan shall also describe all of the following:

(1) How the county, or region of counties, will track and monitor calls.

(2) Data collection efforts, consistent with guidance provided by the department, including, at a minimum, collection of data necessary for the report required pursuant to subdivision (c) of Section 16527.

(3) Transitions from mobile response and stabilization services to ongoing services.

(4) A process for identifying if the child or youth has an existing child and family team for coordinating with the child and family team to address the instability, and a plan for ongoing care to support that relationship in a trusting and healing environment.

(5) A process and criteria for determining response.

(6) The composition of the responders, including efforts to include peer partners and those with lived experience in the response team, whenever possible.

(7) Both existing and new services that will be used to support the mobile response and stabilization services. County behavioral

1 health departments that operate mobile crisis units may share  
2 resources between mobile crisis units and the mobile response  
3 system required pursuant to this chapter, at their discretion.

4 (8) Response protocols for the child or youth in family-based  
5 and congregate care settings based on guidelines developed by the  
6 department, in consultation with stakeholders, pursuant to Section  
7 16528. The response protocols shall ensure protections for children  
8 and youth to prevent placements into congregate care settings,  
9 psychiatric institutions, and hospital settings.

10 (9) A process for identifying whether the child or youth has an  
11 existing behavioral health treatment plan and a placement  
12 preservation strategy, as described in Section 16010.7, and for  
13 coordinating response and services consistent with the plan and  
14 strategy.

15 (10) A plan for the mobile response and stabilization team to  
16 provide supportive services in the least intrusive and most child,  
17 youth, and family friendly manner, such that mobile response and  
18 stabilization teams do not trigger further trauma to the child or  
19 youth.

20 (c) A county-based mobile response system shall include all of  
21 the following:

22 (1) Phone response at the county level that facilitates entry of  
23 the caregivers and current or former foster children or youth into  
24 mobile response services.

25 (2) A process for determining when a mobile response and  
26 stabilization team will be sent, or when other services will be used,  
27 based on the urgent and critical needs of the caregiver, child, or  
28 youth.

29 (3) A mobile response and stabilization team available 24 hours  
30 a day, seven days a week.

31 (4) Ability to provide immediate, in-person, face-to-face  
32 response preferably within one hour, but not to exceed 3 hours in  
33 extenuating circumstances for urgent needs, or same-day response  
34 within 24 hours for nonurgent situations.

35 (5) Utilization of individuals with specialized training in trauma  
36 of children or youth and the foster care system on the mobile  
37 response and stabilization team. Efforts should be made to include  
38 peer partners and those with lived experience in the response team,  
39 whenever possible.

(6) Provision of in-home—~~deescalation~~, *de-escalation*, stabilization, and support services and supports, including all of the following:

(A) Establishing in-person, face-to-face contact with the child or youth and caregiver.

(B) Identifying the underlying causes of, and precursors to, the situation that led to the instability.

(C) Identifying the caregiver interventions attempted.

(D) Observing the child and caregiver interaction.

(E) Diffusing the immediate situation.

(F) Coaching and working with the caregiver and the child or youth in order to preserve the family unit and maintain the current living situation or create a healthy transition plan, if necessary.

(G) Establishing connections to other county- or community-based supports and services to ensure continuity of care, including, but not limited to, linkage to additional trauma-informed and culturally and linguistically responsive family supportive services and youth and family wellness resources.

(H) Following up after the initial face-to-face response, for up to 72 hours, to determine if additional supports or services are needed.

(I) Identifying any additional support or ongoing stabilization needs for the family and making a plan for, or referral to, appropriate youth and family supportive services within the county.

(7) A process for communicating with the county of jurisdiction and the county behavioral health agency regarding the service needs of the child or youth and caregiver provided that the child or youth is currently under the jurisdiction of either the county child welfare or the probation system.

(d) County-based mobile response systems may be temporarily adapted to address circumstances associated with COVID-19, consistent with the Governor's Proclamation of a State of Emergency, issued on March 4, 2020.

(e) (1) Each county shall establish a mobile response system no sooner than January 1, 2021, and on the same date as the statewide hotline created under this chapter.

(2) Notwithstanding paragraph (1), a county may establish a mobile response system, or an alternative method to accept and respond to referrals from the statewide hotline, pending the establishment of the county mobile response system, prior to

1 January 1, 2021, in order to facilitate the early operation of the  
2 statewide hotline.

3 (3) The county agencies described in subdivisions (a) and (b)  
4 may implement this section on a per-county basis or by  
5 collaborating with other counties to establish regional, cross-county  
6 mobile response systems. For counties implementing this section  
7 pursuant to a regional approach, a single plan, as described in  
8 subdivision (b), signed by all agency representatives, shall be  
9 submitted to the department and a lead county shall be identified.

10 (4) Funds expended pursuant to this act shall be used to  
11 supplement, and not supplant, other existing funding for mobile  
12 response services described in this chapter.

13 (5) A county or region of counties may receive an extension,  
14 not to exceed six months, to implement a mobile response system  
15 after January 1, 2021, upon submission of a written request, in a  
16 manner to be prescribed by the department, that includes a  
17 demonstration of actions to implement, progress towards  
18 implementation, and the county's alternative method to accept and  
19 respond to referrals from the statewide hotline pending the  
20 establishment of the county mobile response system.

21 (f) The creation and implementation of the Family Urgent  
22 Response System shall not infringe on entitlements or services  
23 provided pursuant to Title IV-E of the federal Social Security Act  
24 (42 U.S.C. Sec. 670 et seq.) or the federal Early and Periodic  
25 Screening, Diagnosis and Treatment services (42 U.S.C. Sec.  
26 1396d(r)).

27 (g) The department, in collaboration with the County Welfare  
28 Directors Association of California, the County Behavioral Health  
29 Directors Association of California, and the Chief Probation  
30 Officers of California, on an annual basis beginning on January  
31 1, 2022, shall assess utilization and workload associated with  
32 implementation of the statewide hotline and mobile response and  
33 provide an update to the Legislature during budget hearings.

34 *SEC. 80. Section 18358.10 of the Welfare and Institutions Code*  
35 *is amended to read:*

36 18358.10. Each foster family agency participating in this  
37 program shall enter into a contract or memorandum of  
38 understanding with the county and provide all of the following  
39 personnel and administrative and support services:

1 (a) (1) Special attention to the selection and training of foster  
2 parents.

3 (2) All participating intensive treatment foster care (ITFC) foster  
4 parents shall be provided with at least 40 hours of training in the  
5 care of emotionally disturbed children or children who have a  
6 serious behavioral problem before becoming an ITFC parent, and  
7 before placement of a child pursuant to this program, 32 hours of  
8 ongoing in-service training within the first 12 months after  
9 becoming a certified ITFC parent, and 12 hours of ongoing  
10 in-service training each year thereafter. Training shall include, but  
11 not be limited to, working with abused and neglected children,  
12 behavior—~~deescalation~~ *de-escalation* techniques, and  
13 cardiopulmonary resuscitation and first aid. All training shall be  
14 completed prior to the child's placement in the home. In two-parent  
15 homes, placement may be made after one parent has completed  
16 40 hours of training, provided that an additional 20 hours of  
17 ongoing in-service training are completed within 12 months after  
18 becoming an ITFC foster parent, and provided that the second  
19 parent has completed 40 hours of training and completes an  
20 additional 20 hours of training within the first six months of  
21 certification of the foster parent as an ITFC foster parent.

22 (3) Upon approval of the county interagency review team or  
23 the county placing agency, the training requirements specified in  
24 paragraph (2) for a participating foster parent in this program may  
25 be waived for foster parents with prior experience that includes,  
26 but is not limited to, working for at least one year with emotionally  
27 disturbed children or children who have a serious behavioral  
28 problem.

29 (4) Foster parents shall be provided with all necessary support  
30 services.

31 (b) Caseloads for participating social work case managers that  
32 average eight children, except as provided in paragraph (1) of  
33 subdivision (b) of Section 18358.30.

34 (c) The specific assignment to each certified family home of a  
35 trained support counselor with experience in residential treatment.

36 (1) The support counselor shall have one of the following:

37 (A) A bachelor's degree in a social science related field and at  
38 least six months of experience in working with emotionally  
39 disturbed children or children who have a serious behavioral  
40 problem.



1 (B) An associate degree in a social science related field and  
2 have at least one year's experience in working with emotionally  
3 disturbed children or children who have a serious behavioral  
4 problem.

5 (C) Upon approval of the county interagency review team or  
6 the county placing agency, the educational requirements may be  
7 waived for support counselors with at least two years of experience  
8 working with emotionally disturbed children or children who have  
9 a serious behavioral problem, and who demonstrate a combination  
10 of education, skills, and experience that meets the specific cultural  
11 and linguistic needs of the target population.

12 (2) Each participating foster family agency shall provide each  
13 support counselor with 40 hours of training to include, but not be  
14 limited to, working with abused and neglected children, behavior  
15 ~~deescalation~~ *de-escalation* techniques, cardiopulmonary  
16 resuscitation, first aid, and developing treatment plans for  
17 emotionally disturbed children or children who have a serious  
18 behavioral problem. All training shall be completed prior to placing  
19 a child in a certified family home for which the support counselor  
20 is assigned responsibility. An additional 20 hours of ongoing  
21 in-service training is required within the first 12 months after  
22 becoming an ITFC support counselor.

23 (3) Each support counselor shall provide support service to the  
24 child and the foster family. This service shall include, but not be  
25 limited to, structuring a safe environment for the child, collateral  
26 contacts, and any administrative or training functions necessary  
27 to implement the child's needs and services plan. The child's needs  
28 and services plan shall ensure that services meet the child's needs  
29 and are appropriate to and consistent with the minimum level of  
30 service specified in Section 18358.30. The child's individual needs  
31 and services plan shall be reviewed and approved by the certified  
32 foster parents.

33 (d) Coordination services with local education agencies and the  
34 service provider's nonpublic school, where applicable.

35 (e) A 24-hour on call administrator who is available to respond  
36 to emergency situations.

37 *SEC. 81. Section 18358.20 of the Welfare and Institutions Code*  
38 *is amended to read:*

39 18358.20. In addition to the requirements of Sections 18358.10  
40 and 18358.15, any foster family agency that serves children under

1 this program shall have a contract or memorandum of  
2 understanding with the county prior to accepting referrals of  
3 children. The contract or memorandum of understanding shall  
4 identify how the foster family agency will provide or arrange for  
5 the following services and activities:

6 (a) An effective 24 hours a day, seven days a week social work  
7 emergency response service. The plan shall include the criteria for  
8 an in-person response and define the timeframe in which in-person  
9 response will be made.

10 (b) Mental health coverage available as needed for mental health  
11 emergencies.

12 (c) Development of a service plan approved by the placing  
13 county for each child within one month of placement that  
14 thoroughly assesses the unique needs and strengths of the child in  
15 the life domains specified in paragraph (1), and identifies the  
16 necessary services and supports to improve outcomes.

17 (1) For purposes of this section, “life domains” means the  
18 framework of important aspects of a child’s life to be assessed in  
19 the child’s service plan, including, but not limited to, the following:

20 (A) Safety.

21 (B) Emotional and psychological well-being.

22 (C) Behavioral.

23 (D) Family and living situation.

24 (E) Social and recreational.

25 (F) Cultural and spiritual.

26 (G) Educational and vocational.

27 (H) Health.

28 (I) Developmental.

29 (2) Applicable services and supports associated with each life  
30 domain, which may include, but are not limited to, the following:

31 (A) The child’s need for mental health service interventions.

32 (B) Individual or group mental health treatment services.

33 (C) Psychotropic medication and monitoring.

34 (D) Behavior analysis, positive behavioral interventions, and  
35 behavioral modification techniques.

36 (E) Interventions designed to prevent entry or reentry into the  
37 juvenile justice system.

38 (F) Family reunification services, parent training, or other  
39 support services needed to return the child home, or when that is

1 not possible, to establish, reestablish, or reinforce a lifelong  
2 relationship with a caring adult.

3 (G) Family finding services to support and enhance access to  
4 lifelong permanent relationships with relative and nonrelative kin.

5 (H) Targeted life skills training and resources to ensure  
6 appropriate access to social and recreational resources and  
7 relationships, as needed to support the achievement of important  
8 developmental milestones.

9 (I) Mentoring or developing of positive adult relationships.

10 (J) Education supports, as needed to maintain and enhance the  
11 child's educational success and stability.

12 (K) Education liaison services as needed to support the child's  
13 education in the least restrictive environment.

14 (L) Respite care.

15 (M) Support counselors.

16 (N) Case management to ensure appropriate and effective  
17 coordination of activities and resources as identified in the needs  
18 and services plan.

19 (d) A system for recruiting, training, and supervising qualified  
20 in-home support counselors.

21 (e) A system of record keeping that documents the delivery of  
22 services and supports to each child. This documentation shall be  
23 summarized and submitted on an annual basis to the county. Each  
24 agency shall report the type and cost of the services delivered.

25 (f) Written policies and procedures on how the program will be  
26 structured to ensure the safety of the child, how suicide attempts,  
27 runaways, sexual acting out or, violent and assaultive behavior  
28 will be handled, and what will occur to reduce or eliminate future  
29 episodes.

30 (g) Written procedures on frequency of treatment plan review,  
31 modifications of treatment plans, and the role of the foster family  
32 and the child's parents in development of the treatment plan.

33 (h) A process for recruitment, selection and training of foster  
34 parents, including respite foster parents. The training curriculum  
35 shall include the following areas, at a minimum:

36 (1) Alternative forms of discipline.

37 (2) Child growth and development.

38 (3) Behavior management techniques.

39 (4) Differential needs and treatment of children.

40 (5) Behavior ~~deescalation~~ *de-escalation* techniques.

1 (i) Arranging for the provision of respite care services and  
2 frequency of respite care.

3 (j) Social work staffing. Social workers shall have a master's  
4 degree consistent with subdivision (e) of Section 1506 of the Health  
5 and Safety Code, and shall have at least one year of experience  
6 working with seriously emotionally disturbed children or children  
7 who have a serious behavioral problem.

8 (k) Other staff or contract services to be utilized in service  
9 delivery, the tasks and responsibilities of those individuals, and  
10 the training they will receive.

11 (l) An evaluation component that includes quarterly reporting  
12 to the department of the following data, by age group. The  
13 department shall publish the data annually.

14 (1) Number of children placed under this chapter.

15 (2) Number of prior foster care placements for each child prior  
16 to entering the ITFC program.

17 (3) Outcomes for children referred to the program, including:

18 (A) Percentage of children discharged to a more intensive  
19 program.

20 (B) Percentage of children discharged to a less restrictive  
21 program, short of permanency.

22 (C) Percentage of children who drop down an ITFC level.

23 (D) Percentage of children discharged to reunification with a  
24 parent or guardian.

25 (E) Percentage of children discharged to adoption.

26 (F) Percentage of children discharged to kin guardianship.

27 (G) Percentage of children discharged to other permanent  
28 outcome.

29 (H) Percentage of children hospitalized.

30 (I) Number of ITFC families in which a child was placed.

31 (J) Percentage of children continuing in placement.

32 (m) A plan for surveying placing counties annually to ascertain  
33 and report to the department on the following:

34 (1) Quality of services provided.

35 (2) Progress toward treatment goals.

36 *SEC. 82. Section 18358.30 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 18358.30. (a) Rates for foster family agency programs  
39 participating under this chapter shall be exempt from the current  
40 AFDC-FC foster family agency ratesetting system.

(b) Rates for foster family agency programs participating under this chapter shall be set according to the appropriate service and rate level based on the level of services provided to the eligible child and the certified foster family. For an eligible child placed from a group home program, the service and rate level shall not exceed the rate paid for group home placement. For an eligible child assessed by the county interagency review team or county placing agency as at imminent risk of group home placement or psychiatric hospitalization, the appropriate service and rate level for the child shall be determined by the interagency review team or county placing agency at time of placement. In all of the service and rate levels, the foster family agency programs shall:

(1) Provide social work services with average caseloads not to exceed eight children per worker, except that social worker average caseloads for children in Service and Rate Level E shall not exceed 12 children per worker.

(2) Pay an amount not less than two thousand one hundred dollars (\$2,100) per child per month to the certified foster parent or parents.

(3) Perform activities necessary for the administration of the programs, including, but not limited to, training, recruitment, certification, and monitoring of the certified foster parents.

(4) (A) (i) Provide a minimum average range of service per month for children in each service and rate level in a participating foster family agency, represented by paid employee hours incurred by the participating foster family agency, by the in-home support counselor to the eligible child and the certified foster parents depending on the needs of the child and according to the following schedule:

Service and Rate Level	In-Home Support Counselor Hours Per Month
A	98-114 hours
B	81-97 hours
C	64-80 hours
D	47-63 hours

(ii) Children placed at Service and Rate Level E shall receive behavior de-escalation *de-escalation* and other support services on

1 a flexible, as needed, basis from an in-home support counselor.  
 2 The foster family agency shall provide one full-time in-home  
 3 support counselor for every 20 children placed at this level.

4 (B) (i) For the interim period beginning July 1, 2012, through  
 5 December 31, 2016, inclusive, only the following modified service  
 6 and rate levels to support modified in-home support counselor  
 7 hours per month shall apply:

9 Service	In-Home Support
10 and	Counselor Hours
11 Rate Level	Per Month
12 Level I	81-114 hours
13 Level II	47-80 hours
14 Level III	Less than 47 hours

15  
 16 (ii) Children placed at Service and Rate Level III shall receive  
 17 behavior ~~de-escalation~~ *de-escalation* and other support services on  
 18 a flexible, as needed, basis from an in-home support counselor.  
 19 The foster family agency shall provide one full-time in-home  
 20 support counselor for every 20 children placed at this level.

21 (C) When the interagency review team or county placing agency  
 22 and the foster family agency agree that alternative services are in  
 23 the best interests of the child, the foster family agency may provide  
 24 or arrange for services and supports allowable under California's  
 25 foster care program in lieu of in-home support services required  
 26 by subparagraphs (A) and (B). These services and supports may  
 27 include, but need not be limited to, activities in the  
 28 Multidimensional Treatment Foster Care (MTFC) program.

29 (c) The department or placing county, or both, may review the  
 30 level of services provided by the foster family agency program. If  
 31 the level of services actually provided are less than those required  
 32 by subdivision (b) for the child's service and rate level, the rate  
 33 shall be adjusted to reflect the level of service actually provided,  
 34 and an overpayment may be established and recovered by the  
 35 department.

36 (d) (1) On and after July 1, 1998, the standard rate schedule of  
 37 service and rate levels shall be:

Service	Fiscal Year
and	1998-99
Rate Level	Standard Rate
A	\$3,957
B	\$3,628
C	\$3,290
D	\$2,970
E	\$2,639

(2) For the interim period beginning July 1, 2012, through December 31, 2016, inclusive, only the following modified service and rate levels to support the modified standard rate schedule shall apply:

Service	
and	
Rate Level	Standard Rate
Level I	\$5,581
Level II	\$4,798
Level III	\$4,034

(3) (A) On and after July 1, 1999, the standardized schedule of rates shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized rate schedule, subject to further adjustment pursuant to subparagraph (B), for foster family agency programs participating under this chapter.

(B) In addition to the adjustment in subparagraph (A), commencing January 1, 2000, the standardized schedule of rates shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized rate schedule for foster family agency programs participating under this chapter.

(4) (A) Beginning with the 2000–01 fiscal year, the standardized schedule of rates shall be adjusted annually by an amount equal to the California Necessities Index computed pursuant to Section 11453, subject to the availability of funds. The resultant amounts, rounded to the nearest dollar, shall constitute the new standard rate

1 schedule for foster family agency programs participating under  
2 this chapter.

3 (B) Effective October 1, 2009, the rates identified in this  
4 subdivision shall be reduced by 10 percent. The resulting amounts  
5 shall constitute the new standardized schedule of rates.

6 (5) Notwithstanding paragraphs (3) and (4), the rate identified  
7 in paragraph (2) of subdivision (b) shall be adjusted on July 1,  
8 2013, and each July 1 thereafter through July 1, 2016, inclusive,  
9 by an amount equal to the California Necessities Index computed  
10 pursuant to Section 11453.

11 (e) (1) Rates for foster family agency programs participating  
12 under paragraph (1) of subdivision (d) shall not exceed Service  
13 and Rate Level A at any time during an eligible child's placement.  
14 An eligible child may be initially placed in a participating intensive  
15 foster care program at any one of the five Service and Rate Levels  
16 A to E, inclusive, and thereafter placed at any level, either higher  
17 or lower, not to exceed a total of six months at any level other than  
18 Service and Rate Level E, unless it is determined to be in the best  
19 interests of the child by the child's county interagency review team  
20 or county placing agency and the child's certified foster parents.  
21 The child's county interagency placement review team or county  
22 placement agency may, through a formal review of the child's  
23 placement, extend the placement of an eligible child in a service  
24 and rate level higher than Service and Rate Level E for additional  
25 periods of up to six months each.

26 (2) Rates for foster family agency programs participating under  
27 paragraph (2) of subdivision (d) shall not exceed Service and Rate  
28 Level I at any time during an eligible child's placement. An eligible  
29 child may be initially placed in a participating intensive foster care  
30 program at any one of the three Service and Rate Levels I to III,  
31 inclusive, and thereafter placed at any level, either higher or lower,  
32 not to exceed a total of six months at any level other than Service  
33 and Rate Level III, unless it is determined to be in the best interests  
34 of the child by the child's county interagency review team or  
35 county placing agency, foster family agency, and the child's  
36 certified foster parents. The child's county interagency placement  
37 review team or county placement agency, through a formal review  
38 of the child's placement, may extend the placement of an eligible  
39 child in a service and rate level higher than Service and Rate Level  
40 III for additional periods of up to six months each.



(f) It is the intent of the Legislature that the rate paid to participating foster family agency programs shall decrease as the child's need for services from the foster family agency decreases. The foster family agency shall notify the placing county and the department of the reduced services and the pilot classification model, and the rate shall be reduced accordingly.

(g) It is the intent of the Legislature to prohibit any duplication of public funding. Therefore, social worker services, payments to certified foster parents, administrative activities, and the services of in-home support counselors that are funded by another public source shall not be counted in determining whether the foster family agency program has met its obligations to provide the items listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The department shall work with other potentially affected state departments to ensure that duplication of payment or services does not occur.

(h) It is the intent of the Legislature that the State Department of Social Services and the State Department of Health Care Services, in collaboration with county placing agencies and ITFC providers and other stakeholders, develop and implement an integrated system that provides for the appropriate level of placement and care, support services, and mental health treatment services to foster children served in these programs.

(i) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

(j) Notwithstanding subdivisions (d) and (e), the department shall implement a new interim rate structure for the period beginning January 1, 2017, to December 31, 2024, inclusive. The rate shall reflect the appropriate level of placement and address the need for specialized health care, support services, and mental health treatment services for foster children served in these programs.

*SEC. 83. Section 18360.10 of the Welfare and Institutions Code is amended to read:*

18360.10. (a) Each licensed foster family agency or county operating a public delivery model intensive services foster care program shall engage in both of the following:

(1) Targeted selection and specialized training of intensive services foster care resource families used to provide care and supervision to eligible children placed in an intensive services foster care program.

(2) Placement matching between eligible children with intensive services foster care resource families.

(b) In addition to the training requirements for resource families set forth in Section 16519.5 of this code and in Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, intensive services foster care resource family training shall be a condition for participating in the intensive services foster care program, and conform to the following:

(1) (A) Preplacement training for intensive services foster care resource families shall be at least 40 hours and shall be completed prior to the placement of an eligible child, unless the intensive services foster care resource family meets the condition of paragraph (5). Training hours may be satisfied, in part or in whole, by either of the following:

(i) Twelve hours may be satisfied through the training required by paragraph (13) of subdivision (g) of Section 16519.5 or, for licensed foster family homes and certified family homes of foster family agencies, the preplacement training received pursuant to Section 1529.2 of the Health and Safety Code.

(ii) For an intensive services foster care resource parent who is also a health care professional, preplacement training hours may be satisfied on an hour-by-hour basis by the training hours necessary to obtain or maintain ~~his or her~~ *their* licensure or certification.

(B) Ongoing training for intensive services foster care resource families shall be at least 24 hours within 12 months of the placement of an eligible child, and 12 hours for each year thereafter, which may be satisfied, in part or in whole, by either of the following:

(i) Eight hours may be satisfied through the training required by paragraph (14) of subdivision (g) of Section 16519.5 or, for licensed foster family homes and certified family homes of foster family agencies, the training received pursuant to Section 1529.2 of the Health and Safety Code.

(ii) For an intensive services foster care resource parent who is also a health care professional, ongoing training hours may be

1 satisfied on an hour-by-hour basis by the training hours necessary  
2 to obtain or maintain ~~his or her~~ *their* licensure or certification.

3 (2) In a two-parent intensive services foster care resource family,  
4 placement of an eligible child may be made after one parent has  
5 completed the preplacement training required by subparagraph  
6 (A) of paragraph (1), followed by the 24 hours of ongoing training  
7 required by subparagraph (B) of paragraph (1), provided that the  
8 second parent has completed 20 hours of the preplacement training  
9 required by subparagraph (A) of paragraph (1) prior to the  
10 placement of an eligible child and the remaining 20 hours of the  
11 preplacement training required by subparagraph (A) of paragraph  
12 (1) within 12 months of placement of an eligible child. The second  
13 parent shall not be required to complete the 24 hours of ongoing  
14 training required by subparagraph (B) of paragraph (1). Thereafter,  
15 each parent shall complete the 12 hours of ongoing training  
16 required by subparagraph (B) of paragraph (1).

17 (3) Any preplacement or ongoing training hours required by  
18 paragraphs (1) and (2) that are satisfied with training hours obtained  
19 pursuant to Section 16519.5 of this code or Section 1529.2 of the  
20 Health and Safety Code shall not waive the requirement to receive  
21 training necessary to meet the needs of a specific eligible child.

22 (4) The 40 hours of preplacement training required by  
23 subparagraph (A) of paragraph (1) shall include, but not be limited to,  
24 information relating to working with children who have  
25 experienced trauma, behavior—~~deescalation~~ *de-escalation*  
26 techniques, and cardiopulmonary resuscitation and first aid. The  
27 preplacement training may be customized to each intensive services  
28 foster care resource family based on the populations of children  
29 the family intends to serve. Additional preplacement training  
30 subject matter may be required by the county placing agency  
31 depending on the special needs of an eligible child to be placed  
32 with the intensive services foster care resource family.

33 (5) An intensive services foster care resource family that has  
34 not completed the training required in this subdivision may accept  
35 an eligible child, or retain a child identified as an eligible child  
36 subsequent to placement, under the following conditions:

37 (A) (i) In a one-parent intensive services foster care resource  
38 family, the intensive services foster care resource parent completes  
39 the 40 hours of preplacement training required by subparagraph

1 (A) of paragraph (1) within 120 days after the placement, or  
2 identification, of an eligible child.

3 (ii) In a two-parent intensive services foster care resource family,  
4 the first parent completes the 40 hours of preplacement training  
5 required by subparagraph (A) of paragraph (1) within 120 days  
6 after the placement, or identification, of an eligible child, and the  
7 second intensive services foster care resource parent completes  
8 the initial 20 hours of preplacement training within 180 days from  
9 the placement, or identification, of an eligible child and the  
10 remaining 20 hours of the preplacement training within 12 months  
11 of placement, or identification, of an eligible child. The second  
12 parent shall not be required to complete the 24 hours of ongoing  
13 training required by subparagraph (B) of paragraph (1).

14 (B) Placement, or identification, of an eligible child is made  
15 pursuant to the level of care rate protocol in order to meet the  
16 urgent placement needs of a child.

17 (C) The county placing agency shall provide or arrange for any  
18 necessary service and support to a child in a resource family  
19 pending the family's transition to an intensive services foster care  
20 resource family or a placement change.

21 (c) (1) A licensed foster family agency or county operating an  
22 intensive services foster care program shall provide all of the  
23 following:

24 (A) (i) Necessary core services and supports that are identified  
25 in the individual needs and services plan and that constitute care  
26 and supervision, as defined in subdivision (b) of Section 11460,  
27 and core services, as described in subdivision (b) of Section 11463.

28 (ii) Core services and support may be provided either directly  
29 by the licensed foster family agency or county or secured through  
30 agreements with other agencies.

31 (iii) Each licensed foster family agency or county operating an  
32 intensive services foster care program shall arrange for the services  
33 needed by each child for which the child meets the eligibility  
34 criteria under applicable publicly funded programs, including, but  
35 not limited to, mental health, education, and health services.

36 (iv) A licensed foster family agency shall describe its intensive  
37 services foster care program model in the program statement  
38 required pursuant to Section 1506.1 of the Health and Safety Code,  
39 including by identifying a 24-hour on-call administrator or  
40 designee, identifying the staff delivering core services and supports,

1 and describing the manner in which core services and supports are  
2 delivered.

3 (B) Necessary professional and paraprofessional staff.

4 (C) Social work staff to manage cases of eligible children,  
5 consistent with the requirements set forth in Chapter 3  
6 (commencing with Section 1500) of Division 2 of the Health and  
7 Safety Code.

8 (2) (A) A licensed foster family agency or county operating an  
9 intensive services foster care program may employ client support  
10 staff, as appropriate, who have experience working with children,  
11 youth, and families with special needs.

12 (B) Client support staff shall have at least one of the following:

13 (i) A minimum of a bachelor's degree and six months of  
14 experience in working with children who have serious emotional  
15 or behavioral needs, or children who have special needs, including,  
16 but not limited to, intensive medical needs.

17 (ii) A minimum of an associate's degree and one year of  
18 experience in working with children who have serious emotional  
19 or behavioral needs, or children who have special needs, including,  
20 but not limited to, intensive medical needs.

21 (iii) The department may waive the educational requirements  
22 described in clauses (i) and (ii) for client support staff who have  
23 direct client supervision with at least two years of experience  
24 working with children who have serious emotional or behavioral  
25 needs, or children who have special needs, including, but not  
26 limited to, intensive medical needs, and who have demonstrated  
27 a combination of education, skills, and experience that meets the  
28 specific needs of the target population, including, but not limited  
29 to, cultural and linguistic needs.

30 (C) (i) Client support staff shall receive at least 40 hours of  
31 training that includes, but is not limited to, information relating to  
32 working with children who have experienced trauma, behavior  
33 ~~deescalation~~ *de-escalation* techniques, cardiopulmonary  
34 resuscitation and first aid, and implementing individual needs and  
35 services plans for children who have serious emotional or  
36 behavioral needs or children who have special needs, including,  
37 but not limited to, intensive medical needs. A client support staff  
38 shall complete all training prior to an eligible child being placed  
39 in an intensive services foster care resource family home for which  
40 the client support staff is assigned responsibility.

(ii) Client support staff shall complete 20 hours of ongoing in-service training within the first 12 months after becoming an intensive services foster care client support staff.

(D) Each client support staff shall provide support services to the child and the intensive services foster care resource family to implement the child's individual needs and services plan that is appropriate. The client support staff shall review the child's individual needs and services plan with the intensive services foster care resource parents and the child and family team, as needed.

(3) If an eligible child is a child with special health care needs, as defined in subdivision (a) of Section 17710, support professionals may be employed as staff or contractors operating within the scope of practice of their license or certification to implement the child's individual needs and services plan and individualized health care plan, as approved by the county placing agency and informed by the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, or the individualized health care plan team, as defined in subdivision (d) of Section 17710.

(4) Notwithstanding paragraphs (2) and (3), training hours may be satisfied for intensive services foster care client support staff caring for children with special health care needs on an hour-by-hour basis by the training received pursuant to subdivision (c) of Section 17731, or as required by the licensing board within their scope of practice.

*SEC. 84. Section 18999.93 of the Welfare and Institutions Code is amended to read:*

18999.93. (a) (1) Subject to an appropriation in the 2021 Budget Act for purposes of this chapter, the C.R.I.S.E.S. Grant Pilot Program established pursuant to Section 18999.91 shall be administered by the department.

(2) (A) The department shall award grants to eligible grantees, as determined by the department, based on grant eligibility criteria developed in partnership with the stakeholder workgroup.

(B) For purposes of this paragraph, an eligible grantee is a city, county, or tribe, or a department of a city, county, or tribe, including, but not limited to, departments of social services, disability services, health services, public health, or behavioral health. Law enforcement agencies and organizations are not eligible grantees.

1 (3) Each grantee shall receive a minimum award of two hundred  
2 fifty thousand dollars (\$250,000) per year.

3 (4) (A) Funds awarded pursuant to this chapter shall be utilized  
4 to create and strengthen community-based alternatives to law  
5 enforcement to lessen the reliance on law enforcement agencies  
6 as first responders to crisis situations unrelated to a fire department  
7 or emergency medical service response.

8 (B) Community-based alternatives may include, but are not  
9 limited to, providing mobile crisis response teams or community  
10 para-medicine programs. Community-based alternatives shall not  
11 include law enforcement officers or agencies as first responders  
12 or coresponders.

13 (5) The department shall prioritize grantees that propose  
14 interventions that serve historically marginalized populations and  
15 that serve communities with a demonstrated need for  
16 community-based alternatives to law enforcement, as evidenced  
17 by metrics, including, a high record of police use of force, a high  
18 volume of civilian complaints, high rates of imprisonment, and  
19 racial profiling.

20 (b) (1) Grantees shall award 90 percent or more of the grant  
21 funds to one or more qualifying community-based organizations,  
22 to create and strengthen community-based alternatives to law  
23 enforcement as described in paragraph (4) of subdivision (a). No  
24 more than 10 percent of the grant funds shall be used to support  
25 program administration of the grantee.

26 (2) Grantees shall publicly solicit partnerships with  
27 community-based organizations. This public solicitation shall  
28 include, but not limited to, all of the following:

29 (A) Issuing a public notice and invitation to create a partnership  
30 to establish a program pursuant to this chapter.

31 (B) Inviting letters of intent from community-based  
32 organizations.

33 (C) Convening public meetings to hear questions, concerns, and  
34 suggestions from the community that would inform the  
35 development of the program.

36 (3) Grantees shall prioritize the awarding of program funds to  
37 qualified community-based organizations that demonstrate the  
38 capacity to lead the proposed program and demonstrate experience  
39 providing community-based alternatives to law enforcement or  
40 civilian crisis response in the communities listed in paragraph (5)

1 of subdivision (a). This includes, but is not limited to, the ability  
2 to do any of the following:

- 3 (A) Respond to emergency calls.
- 4 (B) Provide treatment, screening, and assessment.
- 5 (C) Provide stabilization and ~~de-escalation~~ *de-escalation* services.
- 6 (D) Coordinate with health, social services, and other support  
7 services, as needed.
- 8 (E) Maintain relationships with relevant community partners,  
9 including a range of community organizers, and medical,  
10 behavioral health, and crisis providers.

11 (4) A grantee and the community-based organization that  
12 receives funds may collaborate on program planning and  
13 implementation of community-based alternatives to law  
14 enforcement, including, but not limited to, any of the following:

- 15 (A) Local stakeholder engagement.
- 16 (B) Mechanisms for response requests.
- 17 (C) Crisis response activities.
- 18 (D) Crisis response followup, including coordination with local  
19 services and supports, tracking service delivery data, and  
20 submitting grant reports.

21 (c) A grantee shall report at least annually to the department on  
22 the use of program funding, which shall include data reporting on  
23 clients served and program outcomes, as determined by the  
24 department in consultation with stakeholder workgroup.

25 (d) (1) The department shall convene a stakeholder workgroup  
26 to make recommendations to the department regarding  
27 implementation of the program. The department shall convene  
28 regular meetings with the stakeholder workgroup in which the  
29 workgroup shall do all of the following:

- 30 (A) Provide input regarding criteria for qualified grantees.
- 31 (B) Provide best practices and program recommendations.
- 32 (C) Provide consultation on implementation and priorities for  
33 technical assistance.
- 34 (D) Identify barriers to implementation and suggest solutions  
35 to address those barriers.
- 36 (E) Recommend anonymous data to be collected.
- 37 (F) Collaboratively review data and program outcomes.
- 38 (G) Advise on the design of the evaluation.



1 (2) (A) The members of the stakeholder workgroup shall  
2 include, but not be limited to, a minimum of one of each of the  
3 following individuals:

4 (i) Emergency medical system practitioners with experience  
5 providing community-based, trauma-informed, culturally  
6 competent care, ~~de-escalation~~ *de-escalation* strategies, and harm  
7 reduction support.

8 (ii) Public health or behavioral health practitioners with specific  
9 experience in community health and an understanding of health  
10 care, mental health services, trauma-informed, culturally competent  
11 care, ~~de-escalation~~ *de-escalation* strategies, and harm reduction  
12 support.

13 (iii) Members of the public, who have survived an emergency  
14 or crisis, and have used community-based services in response to  
15 the emergency or crisis.

16 (iv) Survivors of police brutality.

17 (v) Surviving family members of someone who has been subject  
18 to use of force resulting in death or serious bodily injury by a law  
19 enforcement officer.

20 (B) The stakeholder workgroup shall not include current or  
21 former law enforcement officers or immediate family members of  
22 law enforcement officers.

23 (e) The department shall issue a public report, to be posted on  
24 its internet website six months following the end of the program,  
25 on the programmatic and fiscal savings associated with the  
26 program, key conclusions, populations served and the benefits  
27 conferred or realized, using quantitative and qualitative data, and  
28 resulting policy recommendations to provide guidance to the  
29 Legislature and Governor in fully implementing and scaling a  
30 permanent program.