

AMENDED IN SENATE APRIL 21, 2025

**SENATE BILL**

**No. 850**

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**Introduced by Senator ~~McGuire~~ Ashby**

February 21, 2025

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An act to ~~amend Section 6046.3 of the Penal Code, relating to recidivism;~~ add Section 7522.75 to the Government Code, and to add Section 5030 to, and to add Article 8 (commencing with Section 2049) to Chapter 1 of Title 1 of Part 3 of, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 850, as amended, ~~McGuire Ashby. The Second Chance Program.~~ Prisons.

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

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

*contributions made by the member to the public retirement system from being returned to that member upon the occurrence of a conviction resulting in forfeiture, except as specified. The bill would establish procedures governing these forfeiture provisions, including authorizing a public retirement system to assess a public employer a reasonable amount for reimbursement of specified costs. The bill would require a public retirement system to implement these provisions in a manner that protects an innocent spouse and is consistent with existing law governing the division of community property. The bill would apply these provisions retroactively and prospectively, regardless of the public employee's date of hire.*

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

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

~~Existing law requires the Board of State and Community Corrections to administer a competitive grant program that focuses on community-based solutions for reducing recidivism. Existing law requires the board to form an executive steering committee to make recommendations regarding the design, efficacy, and viability of proposals, including threshold and scoring criteria, that, among other things, prioritizes proposals that leverage other federal, state, and local~~

~~funds or other social investments. Existing law provides examples of possible funding sources, which include, among other sources, the Drug Medi-Cal Treatment Program and the Mental Health Services Act.~~

~~This bill would add the Drug Medi-Cal organized delivery system and the Behavioral Health Services Act to that list.~~

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 7522.75 is added to the Government Code,  
2     to read:

3     7522.75. (a) Notwithstanding any other provision, a public  
4     employee who is a correctional officer or other prison staff member  
5     that is convicted of sexually assaulting an inmate within the state  
6     prison system shall forfeit all accrued rights and benefits in any  
7     public retirement system in which that public employee is a  
8     member, to the extent provided in subdivision (b), and shall not  
9     accrue further benefits in that public retirement system.

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

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

21    (c) (1) Upon conviction, a public employee, as described in  
22    subdivision (a), and the prosecuting agency shall notify the public  
23    employer who employed the public employee at the time of the  
24    commission of the felony within 60 days of the felony conviction  
25    of both of the following:

26    (A) The date of conviction.

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

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

1     (d) *The public employer that employs or employed a public*  
2 *employee described in subdivision (a) and that public employee*  
3 *shall each notify each public retirement system in which the public*  
4 *employee is a member of that public employee's conviction within*  
5 *90 days of the conviction. The operation of this section is not*  
6 *dependent upon the performance of the notification obligations*  
7 *specified in this subdivision.*

8     (e) *A public retirement system may assess a public employer a*  
9 *reasonable amount to reimburse the cost of audit, adjustment, or*  
10 *correction, if it determines that the public employer failed to*  
11 *comply with this section. The amount assessed shall not exceed*  
12 *the reasonable regulatory costs to the retirement system.*

13     (f) *If a public employee's conviction is reversed and that*  
14 *decision is final, the employee shall be entitled to do either of the*  
15 *following:*

16         (1) *Recover the forfeited rights and benefits.*

17         (2) *Redeposit any contributions and interest that would have*  
18 *accrued during the forfeiture period, as determined by the system*  
19 *actuary, and then recover the full amount of the forfeited rights*  
20 *and benefits.*

21     (g) *The public retirement system shall implement this section*  
22 *in a manner that protects an innocent spouse and is consistent*  
23 *with existing law governing the division of community property,*  
24 *including, but not limited to, Section 2610 of the Family Code.*

25     (h) *This section shall apply to the extent permissible by law.*

26     (i) *This section shall apply retroactively and prospectively to*  
27 *any public employee described in subdivision (a), regardless of*  
28 *that public employee's date of hire.*

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

31  
32             Article 8. *Central California Women's Facility*  
33

34     2049. *There is and shall continue to be a state prison known*  
35 *as the Central California Women's Facility, which is located in*  
36 *the City of Chowchilla.*

37     2049.1. *The Department of Corrections and Rehabilitation*  
38 *shall construct and establish one new building with 100 additional*  
39 *single-cell housing units at the Central California Women's*

1 *Facility for the confinement of women under the custody of the*  
2 *Secretary of the Department of Corrections and Rehabilitation.*

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

4 *5030. (a) The Department of Corrections and Rehabilitation*  
5 *shall do all of the following in all women's state prison facilities:*

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

8 *(2) Install thermal sensor cameras that track body movements*  
9 *in inmate bathrooms.*

10 *(3) Eliminate solo shifts for correctional officers.*

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

14 ~~SECTION 1. Section 6046.3 of the Penal Code is amended to~~  
15 ~~read:~~

16 ~~6046.3. (a) The board shall administer a competitive grant~~  
17 ~~program to carry out the purposes of this article that focuses on~~  
18 ~~community-based solutions for reducing recidivism. The grant~~  
19 ~~program shall, at minimum, do all of the following:~~

20 ~~(1) Restrict eligibility to proposals designed to serve people~~  
21 ~~who have been arrested, charged with, or convicted of a criminal~~  
22 ~~offense and have a history of mental health or substance use~~  
23 ~~disorders.~~

24 ~~(2) Restrict eligibility to proposals that offer mental health~~  
25 ~~services, substance use disorder treatment services, misdemeanor~~  
26 ~~diversion programs, or some combination thereof.~~

27 ~~(3) Restrict eligibility to proposals that have a public agency as~~  
28 ~~the lead applicant.~~

29 ~~(b) The board shall form an executive steering committee that~~  
30 ~~includes, but is not limited to, a balanced and diverse membership~~  
31 ~~from relevant state and local government entities, community-based~~  
32 ~~treatment and service providers, and the formerly incarcerated~~  
33 ~~community. The committee shall have expertise in homelessness~~  
34 ~~and housing, behavioral health and substance abuse treatment, and~~  
35 ~~effective rehabilitative treatment for adults and juveniles. The~~  
36 ~~committee shall make recommendations regarding the design,~~  
37 ~~efficacy, and viability of proposals, and make recommendations~~  
38 ~~on guidelines for the submission of proposals, including threshold~~  
39 ~~or scoring criteria, or both, that do all of the following:~~

1     ~~(1) Prioritize proposals that advance principles of restorative~~  
2     ~~justice while demonstrating a capacity to reduce recidivism.~~  
3     ~~(2) Prioritize proposals that leverage other federal, state, and~~  
4     ~~local funds or other social investments, such as the following~~  
5     ~~sources of funding:~~  
6     ~~(A) (i) The Drug Medi-Cal Treatment Program (Sections~~  
7     ~~51341.1, 51490.1, and 51516.1 of Title 22 of the California Code~~  
8     ~~of Regulations).~~  
9     ~~(ii) The Drug Medi-Cal organized delivery system (DMC-ODS)~~  
10    ~~program (Section 14184.401 of the Welfare and Institutions Code).~~  
11    ~~(B) (i) The Mental Health Services Act, enacted by Proposition~~  
12    ~~63 at the November 2, 2004, general election, as amended.~~  
13    ~~(ii) The Behavioral Health Services Act, enacted by Proposition~~  
14    ~~1 at the March 5, 2024, statewide primary election, as amended.~~  
15    ~~(C) Funds provided for in connection with the implementation~~  
16    ~~of Chapter 15 of the Statutes of 2011.~~  
17    ~~(D) The California Community Corrections Performance~~  
18    ~~Incentives Act of 2009 (Stats. 2009, Ch. 608; Chapter 3~~  
19    ~~(commencing with Section 1228) of Title 8 of Part 2).~~  
20    ~~(E) The tax credits established pursuant to Section 12209 of the~~  
21    ~~Revenue and Taxation Code.~~  
22    ~~(F) The federal Department of Housing and Urban Development~~  
23    ~~funds, such as the Emergency Solutions Grant program (42 U.S.C.~~  
24    ~~Sec. 11371 et seq.).~~  
25    ~~(G) The federal Department of Veterans Affairs Supportive~~  
26    ~~Services for Veteran Families program (38 U.S.C. Sec. 2044).~~  
27    ~~(H) Social Innovation Funds established by the Corporation for~~  
28    ~~National and Community Service pursuant to Section 12653k of~~  
29    ~~Title 42 of the United States Code.~~  
30    ~~(I) The Edward Byrne Memorial Justice Assistance Grant~~  
31    ~~Program (42 U.S.C. Sec. 3750 et seq.).~~  
32    ~~(3) Prioritize proposals that provide for all of the following:~~  
33    ~~(A) Mental health services, substance use disorder treatment~~  
34    ~~services, misdemeanor diversion programs, or some combination~~  
35    ~~thereof.~~  
36    ~~(B) Housing-related assistance that utilizes evidence-based~~  
37    ~~models, including, but not limited to, those recommended by the~~  
38    ~~federal Department of Housing and Urban Development.~~  
39    ~~Housing-related assistance may include, but is not limited to, the~~  
40    ~~following:~~

1     ~~(i) Financial assistance, including security deposits, utility~~  
2     ~~payments, moving-cost assistance, and up to 24 months of rental~~  
3     ~~assistance.~~

4     ~~(ii) Housing stabilization assistance, including case management,~~  
5     ~~relocation assistance, outreach and engagement, landlord~~  
6     ~~recruitment, housing navigation and placement, and credit repair.~~

7     ~~(C) Other community-based supportive services, such as job~~  
8     ~~skills training, case management, and civil legal services.~~

9     ~~(4) Prioritize proposals that leverage existing contracts,~~  
10    ~~partnerships, memoranda of understanding, or other formal~~  
11    ~~relationships to provide one or more of the services prioritized in~~  
12    ~~paragraph (3).~~

13    ~~(5) Prioritize proposals put forth by a public agency in~~  
14    ~~partnership with a philanthropic or nonprofit organization.~~

15    ~~(6) Prioritize proposals that promote interagency and regional~~  
16    ~~collaborations.~~

17    ~~(7) Consider ways to promote services for people with offenses~~  
18    ~~identical or similar to those addressed by the Safe Neighborhoods~~  
19    ~~and Schools Act of 2014, without precluding assistance to a person~~  
20    ~~with other offenses in their criminal history.~~

21    ~~(8) Consider geographic diversity.~~

22    ~~(9) Consider appropriate limits for administrative costs and~~  
23    ~~overhead.~~

24    ~~(10) Consider proposals that provide services to juveniles.~~

25    ~~(11) Permit proposals to expand the capacity of an existing~~  
26    ~~program and prohibit proposals from using the fund to supplant~~  
27    ~~funding for an existing program.~~