

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL

No. 423

Introduced by Senator Smallwood-Cuevas

February 18, 2025

An act ~~relating to inmates~~, to add Article 4.5 (commencing with Section 2775) to Chapter 5 of Title 1 of Part 3 of the Penal Code, relating to inmate firefighters.

LEGISLATIVE COUNSEL'S DIGEST

SB 423, as amended, Smallwood-Cuevas. Inmate labor: ~~firefighters~~. *Enhancing Workforce Development for Incarcerated Firefighters Act.*

Existing law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer various training and educational programs, including the California Conservation Camp program. Under existing law, incarcerated persons in the California Conservation Camp program work on projects supervised by the Department of Forestry and Fire Protection. Existing law requires the department to utilize incarcerated persons assigned to conservation camps in performing fire prevention, fire control, and other work at the department.

Existing law allows a defendant who successfully participated in the California Conservation Camp program as an incarcerated individual hand crew member, or who successfully participated as a member of a county incarcerated hand crew, except as specified, to petition the court to have the pleading dismissed, as described, thus releasing the person of any penalties and disabilities of conviction, except as otherwise provided.

This bill, the *Enhancing Workforce Development for Incarcerated Firefighters Act*, would establish the *Incarcerated Firefighter*

Community Reinvestment Fund, to be administered by the Department of Finance, in consultation with the Department of Corrections and Rehabilitation and the Department of Forestry and Fire Protection. The bill would require the Department of Finance, beginning July 1, 2026, and based on specified data, to calculate the savings to the state derived in the prior fiscal year from the use of incarcerated firefighters in wildfire suppression, fire prevention, and other emergency response activities, instead of the use of nonincarcerated firefighters for those purposes, and to transfer that amount into the fund. The bill would require the Department of Finance, by January 1, 2027, and subject to an appropriation by the Legislature, to develop and implement a grant program to distribute moneys in the fund for specified purposes relating to assisting formerly incarcerated firefighters after they have been released from prison, including providing workforce training and housing support. The bill would require the Department of Finance to report to the Legislature, on or before January 1 of each year, various data including the cost savings and data related to recidivism. The bill would also require the Department of Finance, the Department of Corrections and Rehabilitation, and the Department of Forestry and Fire Protection to each post a copy of the Department of Finance report to their internet websites.

The bill would require the Department of Corrections and Rehabilitation, in consultation with specified entities including local fire departments and accredited firefighter academies, to establish a postrelease hiring program and accompanying procedures for hiring formerly incarcerated firefighters. The bill would require the Department of Corrections and Rehabilitation, in consultation with the Department of Forestry and Fire Protection, on or before January 1 of each calendar year, until January 1, 2030, to submit a report to the Legislature regarding, among other things, the number of individuals enrolled in the program and recommendations to enhance or expand the program.

The bill would require the Department of Corrections and Rehabilitation, in consultation with specified entities including the Chancellor's office of the Community Colleges and the Academic Senate for California Community Colleges, to establish a uniform fire science and emergency medical technician curriculum for use in all correctional facilities that offer firefighting or emergency medical technician programs.

The bill would require the Department of Corrections and Rehabilitation, in partnership with, among others, the Department of Forestry and Fire Protection, to develop a tiered training program that includes certain modules for advanced leadership. The bill would also require the Division of Apprenticeship Standards, in collaboration with, among others, the Department of Corrections and Rehabilitation, to establish a firefighter apprenticeship framework that integrates in-custody training hours with recognized apprenticeship credits toward advanced firefighting licenses or certifications.

~~Existing law authorizes the Department of Corrections and Rehabilitation to employ inmates for the rendering of service needed by the state or any political subdivision thereof, as specified, or for the rendering of emergency services for the protection of life and property in a state of emergency, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation relating to the certification of inmate firefighters.~~

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. Article 4.5 (commencing with Section 2775) is*
2 *added to Chapter 5 of Title 1 of Part 3 of the Penal Code, to read:*

3
4 *Article 4.5. Enhancing Workforce Development for Incarcerated*
5 *Firefighters Act*

6
7 2775. *This act shall be known, and may be cited, as the*
8 *Enhancing Workforce Development for Incarcerated Firefighters*
9 *Act.*

10 2775.5. *The Legislature finds and declares all of the following:*

11 (a) *The Legislature recognizes that the Department of*
12 *Corrections and Rehabilitation (CDCR) has established workforce*
13 *development programs to provide education, job training, and*
14 *rehabilitative services for individuals in custody. However, these*
15 *programs have often lacked consistent pathways to postrelease*
16 *employment in high-demand fields, including firefighting.*

17 (b) *The provisions of this act are intended to build upon and*
18 *strengthen CDCR's current workforce development framework in*
19 *the following ways:*

1 (1) Adding a specialized track for incarcerated firefighters that
2 offers comprehensive training aligned with professional wildland,
3 structural firefighting, and emergency medical technician
4 standards.

5 (2) Formalizing a postrelease hiring pipeline, in coordination
6 with the Department of Forestry and Fire Protection and
7 participating local fire departments and other accredited firefighter
8 academies, to ensure that skills acquired in custody translate
9 directly into viable career opportunities.

10 (3) Incorporating collaborations with community colleges to
11 provide accredited coursework, certifications, and the academic
12 continuity necessary for success upon reentry.

13 (4) Establishing funding mechanisms to reinvest a portion of
14 the cost savings generated by incarcerated firefighting labor into
15 reentry services, workforce training, and transitional housing
16 support, thereby bolstering CDCR's rehabilitative impact.

17 (5) Ensuring a transparent and equitable determination of cost
18 savings resulting from the use of incarcerated firefighters,
19 acknowledging that incarcerated crews may function as both
20 supplements and replacements to traditional firefighting labor.

21 (6) Incorporating a methodology designed to ensure
22 comprehensive data collection, promote fiscal accountability, and
23 invest any confirmed savings back into the professional
24 development and reentry support of incarcerated individuals.

25 (c) By linking in-custody job training with an employment
26 system, specialized certifications, and targeted community
27 development, this act significantly advances the effectiveness of
28 CDCR's workforce development efforts. The result is a cohesive
29 system that reduces recidivism, strengthens public safety, and
30 creates a more equitable and sustainable employment pathway
31 for those who have served the public as incarcerated firefighters.

32 (d) The Legislature finds that incarcerated individuals trained
33 in firefighting serve a crucial role in protecting communities from
34 wildfires and other emergencies, filling crucial gaps in the state's
35 emergency response force.

36 (e) By facilitating a less restrictive path from in-custody training
37 to employment as professional firefighters upon release, the state
38 enhances its overall emergency response capabilities, reinforces
39 public safety, and decreases recidivism.

1 (f) *Establishing a formal hiring pipeline and reinvestment fund*
2 *underscores California’s commitment to maintaining a robust and*
3 *resilient firefighting workforce, ultimately safeguarding public*
4 *well-being.*

5 (g) *Incarcerated firefighter programs have historically*
6 *generated significant cost savings for the state by supplementing*
7 *the firefighting labor force at below-market wages.*

8 (h) *A portion of these savings, when reinvested into structured*
9 *workforce training, reentry support, and housing assistance, yields*
10 *long-term fiscal benefits by reducing recidivism and dependence*
11 *on public assistance.*

12 (i) *Establishing a dedicated fund for community-based reentry*
13 *programs and workforce initiatives creates a sustainable*
14 *mechanism to transform temporary savings into enduring economic*
15 *opportunities for formerly incarcerated firefighters.*

16 (j) *Enacting this act will enhance the integrity and impact of*
17 *California’s incarcerated firefighter programs, transform cost*
18 *savings into community benefits, and advance the state’s broader*
19 *goals of fairness, equity, and public safety.*

20 (k) *It is therefore, the intent of the Legislature, in enacting this*
21 *act, to build upon and strengthen CDCR’s current workforce*
22 *development framework for formerly incarcerated firefighters.*

23 2776. (a) *The Department of Corrections and Rehabilitation,*
24 *in consultation with the Department of Forestry and Fire*
25 *Protection, local fire departments, and accredited firefighter*
26 *academies, shall establish a postrelease, hiring program and*
27 *procedures for hiring formerly incarcerated firefighters, called*
28 *the Firefighter Hiring Pipeline Program. The program shall*
29 *authorize the development of a formerly incarcerated firefighter*
30 *preference bonus points program. This program shall expand*
31 *access to interview opportunities or provisional hiring for formerly*
32 *incarcerated firefighters who satisfy or exceed the minimum*
33 *competencies required by all relevant accrediting bodies or*
34 *licensing authorities for wildland or structural firefighting, and*
35 *basis emergency medical technician certifications.*

36 (b) *Local fire departments may participate in the program*
37 *through a memorandum of understanding with the Department of*
38 *Corrections and Rehabilitation and the Department of Forestry*
39 *and Fire Protection. Participating fire departments shall offer*

1 *interview opportunities or conditional job offers to eligible*
2 *individuals, subject to standard assessments.*

3 *(c) On or before January 1 of each calendar year, until January*
4 *1, 2030, the Department of Corrections and Rehabilitation, in*
5 *consultation with the Department of Forestry and Fire Protection,*
6 *shall jointly submit a report to the Legislature that includes all of*
7 *the following:*

8 *(1) The number of individuals enrolled in the program.*

9 *(2) The number of individuals who successfully completed the*
10 *required training.*

11 *(3) The number of interviews and provisional hires made by the*
12 *Department of Forestry and Fire Protection or by local fire*
13 *departments.*

14 *(4) Recommendations to enhance or expand the program.*

15 *(d) The report submitted pursuant to this section shall be*
16 *submitted in compliance with Section 9795 of the Government*
17 *Code.*

18 *(e) For the purposes of this article, “formerly incarcerated*
19 *firefighter” means an individual who participated in the California*
20 *Conservation Camp program while incarcerated and who is no*
21 *longer incarcerated.*

22 *2776.5. (a) The Department of Corrections and Rehabilitation,*
23 *in consultation with the Chancellor’s office of the California*
24 *Community Colleges, the Academic Senate for California*
25 *Community Colleges, private postsecondary institutions accredited*
26 *by the Western Association of Schools and Colleges who elect to*
27 *participate, the Department of Forestry and Fire Protection, local*
28 *fire departments, and the Emergency Medical Services Authority,*
29 *shall determine a uniform fire science and emergency medical*
30 *technician curriculum for use in all correctional facilities offering*
31 *firefighting or emergency medical technician programs.*

32 *(b) The curriculum shall satisfy or exceed the minimum*
33 *competencies required by all relevant accrediting bodies or*
34 *licensing authorities for wildland and structural firefighting, and*
35 *emergency medical technician certification.*

36 *(c) All instructional staff shall possess credentials consistent*
37 *with community college or state licensing standards, ensuring*
38 *parity with external educational offerings.*

39 *(d) The Chancellor’s office of the California Community*
40 *Colleges, in coordination with the Academic Senate for California*

1 *Community Colleges and any private postsecondary institutions*
2 *accredited by the Western Association of Schools and Colleges*
3 *who elect to participate, shall establish a binding articulation*
4 *agreement for the transfer of academic credits earned in custody*
5 *through approved fire science and emergency medical technician*
6 *courses.*

7 *(e) Upon release from custody, a student who satisfactorily*
8 *completes coursework aligned with the articulation agreement*
9 *shall be entitled to receive full credit toward relevant certificate*
10 *or degree programs, without penalty or duplication of coursework*
11 *requirements.*

12 *(f) Educational institutions receiving transferred students*
13 *pursuant to this section shall provide academic counseling and*
14 *priority enrollment assistance for the first two semesters following*
15 *their release from custody.*

16 2777. *(a) (1) The Incarcerated Firefighter Community*
17 *Reinvestment Fund is hereby established in the State Treasury.*

18 *(2) The fund shall be administered by the Department of*
19 *Finance, in consultation with the Department of Corrections and*
20 *Rehabilitation and the Department of Forestry and Fire Protection*
21 *for the purpose of expanding incarcerated workforce education*
22 *and training and reentry services, including transitional*
23 *transportation and housing support, and shall be available, upon*
24 *appropriation by the Legislature, for the purposes of this section.*

25 *(b) (1) Commencing July 1, 2026, for the 2025–26 fiscal year,*
26 *and each fiscal year thereafter, the Director of Finance shall*
27 *calculate the portion of cost savings or program savings to the*
28 *state derived from the use of incarcerated firefighters in wildfire*
29 *suppression, fire prevention, and other emergency response*
30 *activities, instead of the use of nonincarcerated firefighters for*
31 *those purposes. The cost-savings calculation shall be based on,*
32 *at a minimum, each of the following:*

33 *(A) Records of the total number of incarcerated firefighters*
34 *deployed, by incident or project, and the aggregated number of*
35 *hours or days each incarcerated firefighter worked.*

36 *(B) Records of the location and type of assignment performed.*

37 *(C) The daily wages or stipends paid to incarcerated firefighters.*

38 *(D) The cost of supervision of the incarcerated firefighters,*
39 *including the salaries and benefits of a correctional officer,*

1 *Department of Forestry and Fire Protection liaisons, or other*
2 *personnel dedicated to supervising incarcerated firefighting crews.*

3 *(E) Equipment, training, transportation, and logistical expenses*
4 *attributable to the California Conservation Camp program that*
5 *exceed baseline costs of incarceration.*

6 *(F) The average or median salary of nonincarcerated*
7 *firefighters, disaggregated by base pay and overtime rates,*
8 *including employer-paid benefits, pension contributions, and other*
9 *fringe benefits.*

10 *(G) The costs associated with seasonal or contract hires, as*
11 *applicable.*

12 *(H) Documentation specifying how many of the roles or hours*
13 *filled by incarcerated fighters would have been performed by*
14 *nonincarcerated firefighters compensated at base pay, overtime*
15 *pay, or by new hires or mutual aid.*

16 *(I) Historical data, including incident-level records from prior*
17 *fiscal years, to determine whether incarcerated firefighter crews*
18 *replaced or supplemented the nonincarcerated firefighter workforce.*

19 *(J) Identification of all instances where an incarcerated*
20 *firefighter performed tasks instead of a nonincarcerated firefighter*
21 *under normal or overtime conditions.*

22 *(K) The difference between the total compensation of a*
23 *nonincarcerated firefighter and the actual cost for an incarcerated*
24 *firefighter crew, including wages, training, and supervision for*
25 *the same hours or days worked.*

26 *(L) If an incarcerated firefighter crew was supplemental to*
27 *existing staffing levels, estimated marginal cost savings that arose*
28 *from avoiding overtime, deferred hiring, or reliance on higher*
29 *cost mutual aid.*

30 *(M) Data accounting for, in the absence of incarcerated*
31 *firefighter labor, the costs the state would have incurred for*
32 *additional staffing or certain firefighting tasks that would have*
33 *been incomplete.*

34 *(2) The Department of Corrections and Rehabilitation and the*
35 *Department of Forestry and Fire Protection shall provide the data*
36 *necessary for the Director of Finance to complete their annual*
37 *report, including detailed cost records, personnel rosters,*
38 *deployment logs, and incident-specific documentation. The*
39 *Department of Corrections and Rehabilitation and the Department*
40 *of Forestry and Fire Protection shall maintain records in a manner*

1 *that clearly distinguishes between baseline costs of incarceration*
2 *and additional expenses specifically attributable to incarcerated*
3 *firefighter programs.*

4 *(c) The savings calculated pursuant to paragraph (1) of*
5 *subdivision (b), and all other funds, public or private, that are*
6 *designated for the purpose of expanding incarcerated workforce*
7 *education and training and reentry services, including transitional*
8 *transportation and housing support, shall be deposited into the*
9 *fund and, subject to an appropriation by the Legislature, shall be*
10 *available for expenditure in accordance with this section.*

11 *(d) (1) The Department of Finance, in consultation with the*
12 *Department of Corrections and Rehabilitation, shall establish a*
13 *grant program to distribute moneys in the fund.*

14 *(2) Grants made pursuant to the program shall be used to fund*
15 *all of the following:*

16 *(A) Community-based reentry programs. A minimum of 25*
17 *percent of the moneys in the fund shall be allocated to nonprofit*
18 *organizations and service providers offering reentry support,*
19 *including, but not limited to, job placement, mental health services,*
20 *substance use treatment, and educational resources, to formerly*
21 *incarcerated firefighters.*

22 *(B) Workforce training. A minimum of 35 percent of the moneys*
23 *in the fund shall be allocated to workforce development and*
24 *vocational training programs for formerly incarcerated firefighters*
25 *that enhance employability in firefighting, emergency services,*
26 *construction, or other high-demand sectors.*

27 *(C) Housing support. A minimum of 35 percent of the moneys*
28 *in the fund shall be allocated to transitional or permanent housing*
29 *initiatives that aid formerly incarcerated firefighters in securing*
30 *stable and affordable housing upon release from prison.*

31 *(3) Up to 5 percent of the moneys in the fund shall be used to*
32 *pay for administrative costs related to the grant program,*
33 *including, but not limited to, program oversight, grant*
34 *administration, or compliance monitoring.*

35 *(4) (A) The Department of Finance shall promulgate regulations*
36 *establishing the grant program, and shall begin funding the grant*
37 *program no later than January 1, 2027.*

38 *(B) The regulations shall be adopted in accordance with the*
39 *Administrative Procedure Act (Chapter 3.5 (commencing with*

1 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
2 *Code).*

3 *(e) (1) Notwithstanding Section 10231.5 of the Government*
4 *Code, on or before January 1 of each year, the Department of*
5 *Finance shall submit a report to the Legislature detailing all of*
6 *the following:*

7 *(A) The total amount of savings calculated pursuant to*
8 *subdivision (b).*

9 *(B) The specific programs or organizations that received grants*
10 *pursuant to subdivision (d), and the amounts awarded to each*
11 *program or organization.*

12 *(C) Outcome data relating to recidivism, employment, or*
13 *housing stability for participants in programs funded with grants.*

14 *(D) Recommendations to improve the allocation or effectiveness*
15 *of funds.*

16 *(E) The ratio of replacement to supplemental usage of*
17 *incarcerated firefighters.*

18 *(F) The total hours or days attributed to replacement usage.*

19 *(G) The total hours or days attributed to supplemental usage.*

20 *(H) A summary of the wages, benefits, and overhead saved.*

21 *(2) A report submitted pursuant to these provisions shall be*
22 *submitted in compliance with Section 9795 of the Government*
23 *Code.*

24 *(3) The Department of Finance, the Department of Corrections*
25 *and Rehabilitation, and the Department of Forestry and Fire*
26 *Protection shall each post a copy of the report from the Department*
27 *of Finance on their internet website that describes how cost savings*
28 *were identified and calculated.*

29 *2777.5. (a) The Department of Corrections and Rehabilitation,*
30 *in partnership with the Department of Forestry and Fire*
31 *Protection, local fire departments, and any accredited firefighting*
32 *academy, shall develop a tiered training program that includes*
33 *modules for advanced leadership, including crew supervision,*
34 *advanced equipment operation, and incident command systems.*

35 *(b) Any individual demonstrating mastery of these modules shall*
36 *receive a specialized leadership certification documented on their*
37 *official record, that shall be recognized by state agencies and any*
38 *local fire department participating in the postrelease Firefighter*
39 *Hiring Pipeline Program.*

1 (c) *The Department of Corrections and Rehabilitation may enter*
2 *into memoranda of understanding with professional firefighter*
3 *associations or other private accredited entities to facilitate*
4 *mentorship or leadership development workshops for participants*
5 *who have aptitude for supervisory roles.*

6 2778. (a) *The Division of Apprenticeship Standards, in*
7 *collaboration with the Department of Corrections and*
8 *Rehabilitation, fire departments, and the Department of Forestry*
9 *and Fire Protection, shall establish a firefighter apprenticeship*
10 *framework that integrates in-custody training hours with*
11 *recognized apprenticeship credits toward advanced firefighting*
12 *licenses or certifications.*

13 (b) *The apprenticeship program shall include progressive skill*
14 *tiers, culminating in advanced roles such as equipment technician,*
15 *leadership officer, or specialized rescue operator.*

16 (c) *Any hours completed in custody under this program shall*
17 *be formally documented and honored by participating employers*
18 *upon the incarcerated firefighters' release.*

19 ~~SECTION 1. Is it the intent of the Legislature to enact~~
20 ~~legislation relating to the certification of inmate firefighters.~~