

AMENDED IN ASSEMBLY APRIL 3, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 788**

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**Introduced by Assembly Member Quirk-Silva**

February 18, 2025

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An act to amend Section 12838.1 of the Government Code, and to amend Sections 3430 and 5066 of, and to add Sections 3431 and 3432 to, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL’S DIGEST

AB 788, as amended, Quirk-Silva. Prisons: facilities for female offenders.

Existing law creates within the Department of Corrections and Rehabilitation, under the Undersecretary for Operations, the Division of Adult Institutions, among others, and requires each division to be headed by a director, who is appointed by the Governor, as specified. Existing law also requires the Governor to appoint 4 subordinate officers to the division, as specified. Existing law requires each subordinate officer appointed to oversee an identified category of adult institutions, one of which oversees female offender facilities.

This bill would instead require the Governor to appoint 3 subordinate officers, as specified, who would oversee an identified category of male ~~adult institutions~~. *institutions, and one subordinate officer, as specified, who would oversee female adult institutions.* The bill would create within the department, and under the Undersecretary for Operations, the Division of Female Programs and Services. The bill would require the director of this division to be responsible solely for female adult institutions and community facilities housing female offenders. The bill would require the director to report to the undersecretary and to

have a minimum of 5 years of ~~expertise~~ *experience* serving the female correctional population. The bill would also require this new division to manage and provide oversight of adult female programs, including prisons, conservation camps, and parole and community programs and to develop gender-responsive, trauma-informed, culturally sensitive approaches to program and policy development.

Existing law requires the department to create a Female Offender Reform Master Plan and present it to the Legislature by a specified date. Existing law requires the department to, among other things, create policies and operational practices that are designed to ensure a safe and productive institutional environment for female offenders. Existing law also requires the department to contract with nationally recognized ~~gender-responsive~~ *gender-responsive* experts in prison operational practices staffing, classification, substance abuse, trauma treatment services, mental health services, transitional services, and community corrections to, among other things, develop programs and training for department staff in correctional facilities.

This bill would require the department to provide a report to the Legislature on the implementation of the plan, and update statistics contained in the plan, by March 1, 2026, and every 3 years thereafter. The bill would also require the department to post the plan, any reports, and any updates to the plan to the department's internet website. The bill would require the department to establish the Gender Responsive Strategies Commission to develop active partnerships, involving the community, treatment experts, and related agencies in its efforts toward gender-responsive practice.

Existing law requires the secretary of the department to expand the existing prison ombudsperson program to ensure the comprehensive deployment of ombudspersons throughout the state prison system with specific focus on the maximum security institutions.

This bill would instead require the Undersecretary for Operations to perform this duty and would require the undersecretary to appoint an ombudsperson solely assigned to adult female institutions.

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

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

1     SECTION 1. Section 12838.1 of the Government Code is  
2     amended to read:

1 12838.1. (a) There is hereby created within the Department  
2 of Corrections and Rehabilitation, under the Undersecretary for  
3 Administration, the following divisions:

4 (1) The Division of Enterprise Information Services, the  
5 Division of Facility Planning, Construction, and Management, and  
6 the Division of Administrative Services. Each division shall be  
7 headed by a director, who shall be appointed by the Governor,  
8 upon recommendation of the secretary, subject to Senate  
9 confirmation, who shall serve at the pleasure of the Governor.

10 (2) The Division of Correctional Policy Research and Internal  
11 Oversight. This division shall be headed by a director, who shall  
12 be appointed by the Governor, upon recommendation of the  
13 secretary, who shall serve at the pleasure of the Governor.

14 (b) There is hereby created in the Department of Corrections  
15 and Rehabilitation, under the Undersecretary for Health Care  
16 Services, the Division of Health Care Operations and the Division  
17 of Health Care Policy and Administration. Each division shall be  
18 headed by a director, who shall be appointed by the Governor,  
19 upon recommendation of the secretary, subject to Senate  
20 confirmation, who shall serve at the pleasure of the Governor.

21 (c) (1) There is hereby created within the Department of  
22 Corrections and Rehabilitation, under the Undersecretary for  
23 Operations, the Division of Adult Institutions, the Division of  
24 Adult Parole Operations, the Division of Female Programs and  
25 Services, and the Division of Rehabilitative Programs. Each  
26 division shall be headed by a director, who shall be appointed by  
27 the Governor, upon recommendation of the secretary, subject to  
28 Senate confirmation, who shall serve at the pleasure of the  
29 Governor.

30 (2) The Director for Female Programs and Services shall be  
31 responsible solely for female adult institutions and community  
32 facilities housing female offenders. The director shall report to the  
33 undersecretary and shall have a minimum of five years of  
34 ~~expertise~~ *experience* serving the female correctional population.

35 (d) (1) The Governor shall, upon recommendation of the  
36 secretary, appoint three subordinate officers, subject to Senate  
37 confirmation, who shall serve at the pleasure of the Governor.  
38 Each subordinate officer appointed pursuant to this ~~subdivision~~  
39 *paragraph* shall oversee an identified category of male adult  
40 institutions.

(2) *The Governor shall, upon recommendation of the secretary, appoint one subordinate officer, subject to Senate confirmation, who shall serve at the pleasure of the Governor. The subordinate officer appointed pursuant to this paragraph shall oversee female adult institutions.*

(e) (1) Unless the context clearly requires otherwise, whenever the term “Chief Deputy Secretary for Adult Operations” appears in any statute, regulation, or contract, it shall be construed to refer to the Director of the Division of Adult Institutions.

(2) Unless the context clearly requires otherwise, whenever the term “Chief Deputy Secretary for Adult Programs” appears in any statute, regulation, or contract, it shall be construed to refer to the Director of the Division of Rehabilitative Programs.

SEC. 2. Section 3430 of the Penal Code is amended to read:

3430. The Department of Corrections and Rehabilitation shall do all of the following:

(a) (1) Create a Female Offender Reform Master Plan, and shall present this plan to the Legislature by March 1, 2008.

(2) No later than March 1, 2026, and every three years thereafter, prepare and submit a report to the Legislature on the implementation of the plan described in paragraph (1), including updated statistics contained in the plan. These reports shall be submitted in compliance with Section 9795 of the Government Code.

(3) Maintain the plan, including all subsequent updates and reports, in consultation with the Gender Responsive Strategies Commission and with nationally recognized experts in gender responsive prison operational practices, staffing, classification, substance abuse, trauma treatment services, mental health services, transitional services, and community corrections.

(4) Post the plan, any reports, and any updates to the plan to the department’s internet website.

(b) Create policies, programs, and operational practices that are designed to ensure a safe and productive institutional environment for female offenders.

(c) Contract with nationally recognized ~~gender-responsive~~ *gender-responsive* experts in prison operational practices staffing, classification, substance abuse, trauma treatment services, mental health services, transitional services, and community corrections to do all of the following:

1 (1) (A) Conduct a staffing analysis of all current job  
2 classifications assigned to each prison that houses females. The  
3 department shall provide a plan to the Legislature by March 1,  
4 2009, that incorporates those recommendations and details the  
5 changes that are needed to address any identified unmet needs of  
6 female inmates.

7 (B) No later than March 1, 2026, and every three years  
8 thereafter, the department shall prepare and submit to the  
9 Legislature the updated staffing analysis described in subparagraph  
10 (A). These reports shall be submitted in compliance with Section  
11 9795 of the Government Code.

12 (2) Develop programs and training for department staff in  
13 correctional facilities to include not less than one week of training  
14 at the academy and annual training specifically focused on working  
15 with a female population.

16 (3) Perform a comprehensive review of office's policies and  
17 practices and other aspects of women-centered corrections  
18 developed to enhance safety and rehabilitative efforts. This review  
19 should engage collaboratively with internal experts,  
20 community-based organizations, medical and mental health experts,  
21 labor, incarceration reform advocates, and national consultants on  
22 best practices to improve all aspects of operational practice and  
23 treatment, with an emphasis on sexual safety and  
24 gender-responsive, trauma-informed principles.

25 (d) Create a ~~gender-responsive~~ *gender-responsive* female  
26 classification system.

27 (e) Create a ~~gender-responsive~~ *gender-responsive* staffing pattern  
28 for female institutions and community-based offender beds.

29 (f) Create a needs-based case and risk management tool designed  
30 specifically for female offenders. This tool shall include, but not  
31 be limited to, an assessment upon intake, and annually thereafter,  
32 that gauges an inmate's educational and vocational needs, including  
33 reading, writing, communication, and arithmetic skills, health care  
34 needs, mental health needs, substance abuse needs, and  
35 trauma-treatment needs. The initial assessment shall include  
36 projections for academic, vocational, health care, mental health,  
37 substance abuse, and trauma-treatment needs, and shall be used  
38 to determine appropriate programming and as a measure of progress  
39 in subsequent assessments of development.

(g) Design and implement evidence-based gender specific rehabilitative programs, including “wraparound” educational, health care, mental health, vocational, substance~~abuse~~ *abuse*, and trauma treatment programs that are designed to reduce female offender recidivism. These programs shall include, but not be limited to, educational programs that include academic preparation in the areas of verbal communication skills, reading, writing, arithmetic, and the acquisition of high school diplomas and GEDs, and vocational preparation, including counseling and training in marketable skills, and job placement information.

(h) Build and strengthen systems of family support and family involvement during the period of the female’s incarceration.

(i) Establish a family service coordinator at each prison that houses only females.

SEC. 3. Section 3431 is added to the Penal Code, immediately following Section 3430, to read:

3431. (a) The Division of Female Programs and Services shall do both of the ~~following~~: *following*:

(1) Manage and provide oversight of adult female programs, including prisons, conservation camps, and parole and community programs.

(2) Develop gender-responsive, trauma-informed, culturally sensitive approaches to program and policy development that will improve recidivism outcomes for the adult incarcerated and paroled female offenders under the supervision of the department.

(b) The office shall be headed by a person who has relevant professional experience in planning and implementing recidivism reduction programs and services that are ~~gender-responsive and trauma-informed~~: *gender responsive and trauma informed*.

SEC. 4. Section 3432 is added to the Penal Code, immediately following Section 3431, to read:

3432. (a) The department shall establish the Gender Responsive Strategies Commission to develop active partnerships, involving the community, treatment experts, and related agencies in its efforts toward gender-responsive practice.

(b) The commission shall be composed of representatives of community-based organizations, ~~research and expert researchers~~, policy experts, legislators, union representatives, and formerly incarcerated women.

1 (c) The commission shall meet quarterly and publish minutes  
2 for each meeting on the department's internet website.

3 SEC. 5. Section 5066 of the Penal Code is amended to read:

4 5066. The Undersecretary for Operations shall expand the  
5 existing prison ombudsperson program to ensure the  
6 comprehensive deployment of ombudspersons throughout the state  
7 prison system with specific focus on the maximum security  
8 institutions. The Undersecretary for Operations shall appoint an  
9 ombudsperson solely assigned to adult female institutions.

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