

AMENDED IN ASSEMBLY JUNE 26, 2025

AMENDED IN SENATE APRIL 21, 2025

SENATE BILL

No. 857

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

March 12, 2025

An act to amend 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.

(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: 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.

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

1 provides demonstrations and hands-on instruction in order to
2 establish each student's proficiency as to the course content.

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

10 (2) The development, adoption, amendment, or repeal of the
11 Power to Arrest and Appropriate Use of Force Manual by the
12 bureau is exempt from the Administrative Procedure Act (Chapter
13 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
14 Title 2 of the Government Code).

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

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

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

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

29 7598.2. (a) The course of training in the exercise of the power
30 to arrest and the appropriate use of force may be administered,
31 tested, and certified by any licensee. The department may approve
32 any person or school to teach the course in the exercise of the
33 power to arrest and the appropriate use of force. The course of
34 training shall be approximately four hours in length and cover the
35 following topics:

- 36 (1) Responsibilities and ethics in citizen arrest.
- 37 (2) Relationship with the public police in arrest.
- 38 (3) Limitations on security guard power to arrest.
- 39 (4) Restrictions on searches and seizures.
- 40 (5) Criminal and civil liabilities.

- 1 (A) Personal liability.
- 2 (B) Employer liability.
- 3 (6) The appropriate use of force, including all of the following
- 4 topics:
- 5 (A) Legal standards for use of force.
- 6 (B) Duty to intercede.
- 7 (C) The use of objectively reasonable force.
- 8 (D) Supervisory responsibilities.
- 9 (E) Use of force review and analysis.
- 10 (F) De-escalation and interpersonal communication training,
- 11 including tactical methods that use time, distance, cover, and
- 12 concealment, to avoid escalating situations that lead to violence.
- 13 (G) Implicit and explicit bias and cultural competency.
- 14 (H) Skills, including de-escalation techniques, to effectively,
- 15 safely, and respectfully interact with people with disabilities or
- 16 behavioral health issues.
- 17 (I) Use of force scenario training, including simulations of
- 18 low-frequency, high-risk situations and calls for service,
- 19 shoot-or-don't-shoot situations, and real-time force option
- 20 decisionmaking.
- 21 (J) Mental health and policing, including bias and stigma.
- 22 (K) Active shooter situations.
- 23 (7) Any other topic deemed appropriate by the bureau, excluding
- 24 Weapons of Mass Destruction and Terrorism Awareness, which
- 25 may be an elective topic only.
- 26 (b) Paragraph (6) of subdivision (a) shall be conducted through
- 27 traditional classroom instruction. For the purposes of this
- 28 subdivision, "traditional classroom instruction" means instruction
- 29 where the instructor is physically present with students in a
- 30 classroom and is available to answer students' questions while
- 31 providing the required training. In this setting, the instructor
- 32 provides demonstrations and hands-on instruction in order to
- 33 establish each student's proficiency as to the course content.
- 34 (c) The department shall make available a guidebook as a
- 35 standard for teaching the course in the exercise of the power to
- 36 arrest and the appropriate use of force. The department shall
- 37 encourage additional training and may provide a training guide
- 38 recommending additional courses.
- 39 (d) This section shall become operative on July 1, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

(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 of crisis situations
7 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

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

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

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

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

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

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

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

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

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

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

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

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

38 56366.1. (a) A nonpublic, nonsectarian school or agency that
39 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 techniques.

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

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

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

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

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

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

39 (B) A pupil personnel services credential that authorizes school
40 counseling or psychology.

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

3 (D) A license in psychology regulated by the Board of
4 Psychology.

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

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

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

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

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

18 (6) An annual operating budget.

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

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

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

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

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

the area in which the applicant is located have had the opportunity to review the application at least 60 calendar days before submission of an initial application to the Superintendent, or at least 30 calendar days before submission of a renewal application to the Superintendent. The acknowledgment shall provide assurances that local educational agency representatives have had the opportunity to provide input on all required components of the application.

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

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

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

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

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

(2) In carrying out this subdivision, the Superintendent may verify that the nonpublic, nonsectarian school or agency has

1 received a successful criminal background check clearance and
2 has enrolled in subsequent arrest notice service, pursuant to Section
3 44237, for each owner, operator, and employee of the nonpublic,
4 nonsectarian school or agency.

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

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

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

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

38 (g) Certification becomes effective on the date the nonpublic,
39 nonsectarian school or agency meets all the application
40 requirements and is approved by the Superintendent. Certification

1 may be retroactive if the nonpublic, nonsectarian school or agency
2 met all the requirements of this section on the date the retroactive
3 certification is effective. Certification expires on December 31 of
4 the terminating year.

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

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

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

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

38 (4) Violations or noncompliance documented pursuant to
39 paragraph (1) or (3) shall be reflected in the status of the
40 certification of the nonpublic, nonsectarian school or agency, at

1 the discretion of the Superintendent, pending an approved plan of
2 correction by the nonpublic, nonsectarian school or agency. The
3 department shall retain for a period of 10 years all violations
4 pertaining to certification of the nonpublic, nonsectarian school
5 or agency.

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

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

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

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

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

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

36 (2) The notification shall occur no later than the December 1
37 before the new fiscal year in which the proposed or expanding
38 school or agency intends to initiate services. The notice shall
39 include the following:

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

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

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

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

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

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

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

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

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

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

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

37 (B) The entity submits an annual budget that identifies the
38 projected costs and revenues for each entity and demonstrates that
39 the rates to be charged are reasonable to support the operation of
40 the entity.

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

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

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

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

| | |
|------------------------------|--------|
| (1) 1–5 pupils | \$ 300 |
| (2) 6–10 pupils | 500 |
| (3) 11–24 pupils | 1,000 |
| (4) 25–75 pupils | 1,500 |
| (5) 76 pupils and over | 2,000 |

(2) The nonpublic, nonsectarian school or agency shall pay this fee when it applies for certification and when it updates its application for annual renewal by the Superintendent. The Superintendent shall use these fees to conduct onsite reviews,

1 which may include field experts. A fee shall not be refunded if the
2 application is withdrawn or is denied by the Superintendent.

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

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

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

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

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

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

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

39 6389. (a) A person subject to a protective order, as defined in
40 Section 6218, shall not own, possess, purchase, or receive a firearm

1 or ammunition while that protective order is in effect. A person
2 who owns, possesses, purchases, or receives, or attempts to
3 purchase or receive, a firearm or ammunition while the protective
4 order is in effect is punishable pursuant to Section 29825 of the
5 Penal Code.

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

13 (c) (1) Upon issuance of a protective order, as defined in Section
14 6218, the court shall order the respondent to relinquish any firearm
15 or ammunition in the respondent's immediate possession or control
16 or subject to the respondent's immediate possession or control.

17 (2) The relinquishment ordered pursuant to paragraph (1) shall
18 occur by immediately surrendering the firearm or ammunition in
19 a safe manner, upon request of a law enforcement officer, to the
20 control of the officer, after being served with the protective order.
21 A law enforcement officer serving a protective order that indicates
22 that the respondent possesses weapons or ammunition shall request
23 that the firearm or ammunition be immediately surrendered.
24 Alternatively, if a request is not made by a law enforcement officer,
25 the relinquishment shall occur within 24 hours of being served
26 with the order, by either surrendering the firearm or ammunition
27 in a safe manner to the control of local law enforcement officials,
28 or by selling, transferring, or relinquishing for storage pursuant to
29 Section 29830 of the Penal Code, the firearm or ammunition to a
30 licensed gun dealer, as specified in Article 1 (commencing with
31 Section 26700) and Article 2 (commencing with Section 26800)
32 of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code.
33 The law enforcement officer or licensed gun dealer taking
34 possession of the firearm or ammunition pursuant to this
35 subdivision shall issue a receipt to the person relinquishing the
36 firearm or ammunition at the time of relinquishment. A person
37 ordered to relinquish a firearm or ammunition pursuant to this
38 subdivision shall, within 48 hours after being served with the order,
39 do both of the following:

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

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

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

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

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

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

35 (e) A local law enforcement agency may charge the respondent
36 a fee for the storage of a firearm or ammunition pursuant to this
37 section. This fee shall not exceed the actual cost incurred by the
38 local law enforcement agency for the storage of the firearm or
39 ammunition. For purposes of this subdivision, “actual cost” means
40 expenses directly related to taking possession of a firearm or

1 ammunition, storing the firearm or ammunition, and surrendering
2 possession of the firearm or ammunition to a licensed dealer as
3 defined in Section 26700 of the Penal Code or to the respondent.

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

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

1 the owner identifying the firearm and ammunition and providing
2 proof of ownership.

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

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

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

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

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

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

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

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

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

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

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

38 (3) The court may terminate or modify an exemption granted
39 pursuant to this paragraph at any time if the respondent
40 demonstrates a need to modify the specific firearm, ammunition,

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

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

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

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

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

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

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

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

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

36 7286. (a) For the purposes of this section:

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

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

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

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

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

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

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

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

(2) A requirement that an officer may only use a level of force 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 California Correctional Training and
5 Rehabilitation Authority to repair or refurbish the apparatus or
6 equipment to acceptable fire service standards before resale. The
7 resale price shall recover the office's cost of acquisition, repairing,
8 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 California
12 Correctional Training and Rehabilitation Authority to perform any
13 of the responsibilities or services required or authorized by this
14 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 California Correctional Training and Rehabilitation Authority, and
26 the California Correctional Training and Rehabilitation Board.

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

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

38 SEC. 11. Section 12838.6 of the Government Code is amended
39 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, California Correctional Training
6 and Rehabilitation Authority, California Correctional Training and
7 Rehabilitation Board, California Council for Interstate Adult
8 Offender Supervision, and the Joint Venture Policy Advisory
9 Board. For purposes of this article, these shall be known as
10 “continuing entities.”

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

13 13332.09. (a) A purchase order or other form of documentation
14 for acquisition or replacement of motor vehicles shall not be issued
15 against any appropriation until the Department of General Services
16 has investigated and established the necessity therefor.

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

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

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

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

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

6 (f) For purposes of this section:

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

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

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

24 14612. (a) The department shall commit itself to achieve
25 improved levels of performance, as specified in this section, by
26 focusing its efforts on enhancing the value of the services it
27 delivers.

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

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

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

35 (c) Notwithstanding any other law, the director or the director’s
36 designee, in lieu of the Director of Finance, may approve DGS
37 Form 22 and DGS Form 220, including the extension of time to
38 expend transferred funds, the transfer of funds from one work
39 order to another, and the Return of Funds Document.

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

(e) Notwithstanding Section 2807 of the Penal Code, the director or the director's designee may procure goods from the private sector even though the goods may be available from the California Correctional Training and Rehabilitation Authority, when in the director's discretion, it is cost beneficial to do so and if the director or the director's designee continues to include the authority in soliciting quotations for goods.

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

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

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

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

20403. "State safety member" shall also include officers and employees in (a) the Department of Corrections and Rehabilitation employed to perform the duties now performed in positions with the following class titles: Deputy Director, Department of Corrections and Rehabilitation; Deputy Director, Institutions, Camps and Program Services Division; Deputy Director, Parole and Community Services; Warden; Warden—San Quentin; Superintendent II and III, Department of Corrections and Rehabilitation; Deputy Superintendent; Correctional Administrator;

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

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

1 1180.2. (a) This section shall apply to the state hospitals
2 operated by the State Department of State Hospitals and facilities
3 operated by the State Department of Developmental Services that
4 utilize seclusion or behavioral restraints.

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

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

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

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

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

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

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

31 (6) While minimizing the duration of time spent in seclusion or
32 behavioral restraints, using strategies to mitigate the emotional
33 and physical discomfort and ensure the safety of the person
34 involved in seclusion or behavioral restraints, including input from
35 the person about what would alleviate their distress.

36 (7) Training in conducting an effective debriefing meeting as
37 specified in Section 1180.5, including the appropriate persons to
38 involve, the voluntary participation of the person who has been in
39 seclusion or behavioral restraints, and strategic interventions to
40 engage affected persons in the process. The training should include

1 strategies that result in maximum participation and comfort for
2 the involved parties to identify factors that lead to the use of
3 seclusion and behavioral restraints and factors that would reduce
4 the likelihood of future incidents.

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

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

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

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

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

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

25 (D) The number of incidents of seclusion.

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

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

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

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

33 (e) A facility described in subdivision (a) shall report each death
34 or serious injury of a person occurring during, or related to, the
35 use of seclusion or behavioral restraints. This report shall be made
36 to the agency designated in subdivision (i) of Section 4900 of the
37 Welfare and Institutions Code no later than the close of the business
38 day following the death or injury. The report shall include the
39 encrypted identifier of the person involved, and the name, street
40 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 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 suspected history of aggressiveness, or persons who are currently aggressive.

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

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

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

1 (b) A facility described in subdivision (a) of Section 1180.2 or
2 subdivision (a) of Section 1180.3 may use seclusion or behavioral
3 restraints for behavioral emergencies only when a person's
4 behavior presents an imminent danger of serious harm to self or
5 others.

6 (c) A facility described in subdivision (a) of Section 1180.2 or
7 subdivision (a) of Section 1180.3 shall not use either of the
8 following:

9 (1) A physical restraint or containment technique that obstructs
10 a person's respiratory airway or impairs the person's breathing or
11 respiratory capacity, including techniques in which a staff member
12 places pressure on a person's back or places the staff member's
13 body weight against the person's torso or back.

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

16 (d) A facility described in subdivision (a) of Section 1180.2 or
17 subdivision (a) of Section 1180.3 shall not use physical or
18 mechanical restraint or containment on a person who has a known
19 medical or physical condition and there is reason to believe that
20 the use would endanger the person's life or seriously exacerbate
21 the person's medical condition.

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

26 (A) Obesity.

27 (B) Pregnancy.

28 (C) Agitated delirium or excited delirium syndromes.

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

30 (E) Exposure to pepper spray.

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

33 (G) Respiratory conditions, including emphysema, bronchitis,
34 or asthma.

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

1 (f) A facility described in subdivision (a) of Section 1180.2 or
2 subdivision (a) of Section 1180.3 shall avoid the deliberate use of
3 prone containment techniques whenever possible, utilizing the
4 best practices in early intervention techniques, such as
5 de-escalation. If prone containment techniques are used in an
6 emergency situation, a staff member shall observe the person for
7 any signs of physical duress throughout the use of prone
8 containment. Whenever possible, the staff member monitoring the
9 person shall not be involved in restraining the person.

10 (g) A facility described in subdivision (a) of Section 1180.2 or
11 subdivision (a) of Section 1180.3 shall not place a person in a
12 facedown position with the person's hands held or restrained
13 behind the person's back.

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

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

37 (j) A facility described in subdivision (a) of Section 1180.2 or
38 subdivision (a) of Section 1180.3 shall afford to persons who are
39 restrained the least restrictive alternative and the maximum freedom

1 of movement, while ensuring the physical safety of the person and
2 others, and shall use the least number of restraint points.

3 (k) A person in a facility described in subdivision (a) of Section
4 1180.2 and subdivision (a) of Section 1180.3 has the right to be
5 free from the use of seclusion and behavioral restraints of any form
6 imposed as a means of coercion, discipline, convenience, or
7 retaliation by staff. This right includes, but is not limited to, the
8 right to be free from the use of a drug used in order to control
9 behavior or to restrict the person's freedom of movement, if that
10 drug is not a standard treatment for the person's medical or
11 psychiatric condition.

12 SEC. 17. Section 1250.10 of the Health and Safety Code is
13 amended to read:

14 1250.10. (a) (1) "Psychiatric residential treatment facility"
15 means a health facility licensed by the State Department of Health
16 Care Services, that is operated by a public agency or private
17 nonprofit organization that provides inpatient psychiatric services,
18 as described in Subpart D (commencing with Section 441.150) of
19 Title 42 of the Code of Federal Regulations, to individuals under
20 21 years of age, in a nonhospital setting.

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

25 (3) Psychiatric residential treatment facilities shall comply with
26 applicable utilization control requirements in Part 456 of Title 42
27 of the Code of Federal Regulations, including, but not limited to,
28 Subpart D for Mental Hospitals. Psychiatric residential treatment
29 facilities shall comply with utilization reviews, including, but not
30 limited to, provisions specific to certification and recertification
31 of need for inpatient care at least every 60 days, length of stay,
32 continued stay, and length of stay modifications in order to ensure
33 that patients are transitioned back to the community.

34 (4) The department shall set a statewide bed limit based on an
35 analysis to ensure that inpatient psychiatric services for individuals
36 under 21 years of age are available and sufficient in amount,
37 duration, and scope to reasonably achieve the purpose for which
38 services are provided. The statewide bed limit shall comply with
39 state and federal Medicaid requirements. The department shall
40 notify the Legislature when the total number of beds in licensed

1 psychiatric residential treatment facilities in the state reaches 250
2 beds, 500 beds, and 750 beds.

3 (b) Notwithstanding any other law, and to the extent consistent
4 with federal law, a psychiatric residential treatment facility shall
5 be eligible to participate in the Medicare program under Title XVIII
6 of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.),
7 and the Medicaid program under Title XIX of the federal Social
8 Security Act (42 U.S.C. Sec. 1396 et seq.), if all of the following
9 conditions are met:

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

14 (2) The facility is in compliance with all applicable state and
15 federal Medicaid statutes, regulations, and guidance, including,
16 but not limited to, inpatient initial and continued stay authorization
17 criteria, individual plan of care requirements, documentation, and
18 treatment plan review.

19 (3) The facility meets the definition of a psychiatric residential
20 treatment facility pursuant to Section 483.352 of Title 42 of the
21 Code of Federal Regulations.

22 (4) The facility provides inpatient psychiatric services to
23 Medicaid-eligible individuals under 21 years of age in accordance
24 with the requirements and standards developed by the State
25 Department of Health Care Services pursuant to the authority in
26 Section 1905(a)(16) and (h) (42 U.S.C. Sec. 1396d(a)(16) and (h)),
27 Section 1902(a)(9)(A) (42 U.S.C. Sec. 1396a(a)(9)(A)), which
28 authorizes the State Department of Health Care Services to
29 establish and maintain health standards for institutions in which
30 Medicaid beneficiaries may receive services, and Section ~~1902~~
31 ~~(a)(33)(B)~~ 1902(a)(33)(B) (42 U.S.C. Sec. 1396a (a)(33)(B)) of
32 the federal Social Security Act and the Medicaid State Plan.

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

37 (6) The facility obtains a certification for participation in the
38 federal Medicaid program and maintains compliance with the
39 conditions of participation for psychiatric residential treatment

1 facilities pursuant to Subpart D of Part 441 and Subpart G of Part
2 483 of Title 42 of the Code of Federal Regulations.

3 (7) For purposes of the requirements specified in Subpart G of
4 Part 483 of Title 42 of the Code of Federal Regulations, facility
5 staff shall have training on engaging in trauma-informed prevention
6 and de-escalation interventions with the goal of reducing seclusion
7 and restraint.

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

11 (A) Joint Commission on Accreditation of Healthcare
12 Organizations.

13 (B) The Commission on Accreditation of Rehabilitation
14 Facilities.

15 (C) The Council on Accreditation of Services for Families and
16 Children.

17 (D) Any other accrediting organization with comparable
18 standards recognized by the State Department of Health Care
19 Services.

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

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

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

28 (C) Requirements that patients are connected to a continuum
29 of care and services to promote healing and step down to
30 community-based care in facility plans of operation, along with
31 the identification of strategies, treatment, services, and supports
32 that the facility will employ to connect the youth and their families
33 to community-based services and to step down the youth to
34 family-based care.

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

37 (i) Developed and implemented no later than 72 hours after
38 admission.

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

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

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

14 (1) Total number of patients admitted, including the number of
15 Medi-Cal beneficiaries and the number of patients under the
16 jurisdiction of the juvenile court.

17 (2) Age, race or ethnicity, and gender of patients served, and,
18 if available, sexual orientation and gender identity or expression
19 of patients.

20 (3) Duration of stay of each patient and the average and median
21 lengths of stay for patients under the jurisdiction of the juvenile
22 court and separately for those not subject to juvenile court
23 jurisdiction.

24 (4) For each patient, the type of placement the patient was in
25 prior to admission, if any, the services and interventions provided
26 to the patient prior to address the patient's crisis needs, if any, and
27 the number of prior hospitalizations, if any.

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

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

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

36 (8) Postdischarge plans and after care resources, including the
37 type and intensity of mental health services, provided upon
38 discharge.

1 (9) The number of patients subjected to restraint, the number
2 of times each patient was subjected to restraint, and the types and
3 duration of restraint.

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

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

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

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

15 (A) The total number of patients admitted, including the number
16 of Medi-Cal beneficiaries and the number of patients under the
17 jurisdiction of the juvenile court.

18 (B) The age, race or ethnicity, and gender of patients served,
19 and, if available, sexual orientation and gender identity or
20 expression of patients served.

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

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

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

24 (F) The types of community-based services provided to patients
25 during their stay to facilitate their transition back into the
26 community, if any, including a breakdown of services provided
27 to patients under the jurisdiction of the juvenile court and separately
28 for those not subject to juvenile court jurisdiction.

29 (G) The number of patients subjected to restraint, the number
30 of times each patient was subjected to restraint, and the types and
31 duration of restraint.

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

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

35 (A) (i) The total number of patients admitted to psychiatric
36 residential facilities, including the number of Medi-Cal
37 beneficiaries and the number of patients under the jurisdiction of
38 the juvenile court.

39 (ii) The total number of patients admitted to psychiatric
40 residential facilities, including the number of Medi-Cal

1 beneficiaries and the number of patients under the jurisdiction of
2 the juvenile court, from each county. For purposes of this clause,
3 “from each county” refers to the county where the patient resided
4 prior to admission to the facility.

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

7 (ii) The age, race or ethnicity, and gender of patients served,
8 and, if available, sexual orientation and gender identity or
9 expression of patients served from each county. For purposes of
10 this clause, “from each county” refers to the county where the
11 patient resided prior to admission to the facility.

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

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

14 (E) The number of patients subjected to restraint, the number
15 of times each patient was subjected to restraint, and the types and
16 duration of restraint.

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

19 (G) (i) The number of intensive services foster care homes,
20 enhanced intensive services foster care homes, other family-based
21 treatment settings, and other less-restrictive placement settings
22 available by county.

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

33 (e) (1) The State Department of Health Care Services shall, in
34 consultation with the State Department of Social Services, the
35 County Behavioral Health Directors Association of California,
36 provider representatives, children’s rights advocates, disability
37 rights advocates, and other relevant stakeholders, establish
38 regulations for psychiatric residential treatment facilities. At a
39 minimum, the regulations shall include all of the following:

1 (A) Therapeutic programming shall be provided seven days per
2 week, including weekends and holidays, with sufficient mental
3 health professional and paraprofessional staff to maintain an
4 appropriate treatment setting and services, based on individual
5 client's needs.

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

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

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

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

24 (E) For voluntary admission of any minor patient subject to the
25 jurisdiction of the juvenile court, the facility shall obtain court
26 authorization for the admission pursuant to Section 361.23 or
27 727.13, as applicable, and Section 6552 of the Welfare and
28 Institutions Code. Whenever consent for admission of a patient
29 who is subject to the jurisdiction of the juvenile court is revoked,
30 the facility shall immediately contact the county child welfare
31 agency or probation department, as applicable, to arrange for the
32 patient's discharge.

33 (F) Facilities shall include ample physical space for
34 accommodating individuals who provide daily emotional and
35 physical support to each client and for integrating family members
36 into the day-to-day care of the youth. The facility shall provide
37 patients with at least one hour per day of outdoor exercise or other
38 time spent outside, weather permitting.

39 (G) The facility shall collaborate with each client's existing
40 mental health team, if applicable, child and family team, as defined

1 by paragraph (4) of subdivision (a) of Section 16501 of the Welfare
2 and Institutions Code, if the patient is an Indian child, as defined
3 in subdivisions (a) and (b) of Section 224.1 of the Welfare and
4 Institutions Code, who is under the jurisdiction of the juvenile
5 court, the child's tribe, if applicable, and other support persons or
6 providers identified by the child or parents within three business
7 days of intake and throughout the course of care and treatment, as
8 appropriate.

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

13 (I) The patient's rights provisions contained in Sections 5325,
14 5325.1, 5325.2, and 5326 of the Welfare and Institutions Code
15 shall be available to any patient admitted to, or eligible for
16 admission to, the facility. Every patient shall have a right to a
17 hearing by writ of habeas corpus, within two judicial days of the
18 filing of a petition for the writ of habeas corpus with the superior
19 court of the county in which the facility is located, for their release.
20 Regulations adopted pursuant to this section shall specify the
21 procedures by which this right shall be ensured. These regulations
22 shall generally be consistent with the procedures contained in
23 Article 5 (commencing with Section 5275) of Chapter 2 of Part 1
24 of Division 5 of the Welfare and Institutions Code concerning
25 habeas corpus for individuals, including children, subject to various
26 involuntary holds.

27 (J) The facility shall establish and implement an individual plan
28 of care within 72 hours of the patient's admission that is designed
29 to achieve the patient's discharge from inpatient status, step-down
30 service, at the earliest possible time. The individual plan of care
31 shall be based on a diagnostic evaluation that is developed by a
32 treatment team in consultation with the patient and their parents,
33 legal guardians, or others in whose care they will be released after
34 discharge and include discharge plans and after-care resources
35 such as community services to ensure continuity of care with the
36 patient's family, school, and community upon discharge. The plan
37 of care shall be updated at least every 10 days, or more frequently
38 if warranted by the patient's change in acuity. For patients who
39 are under the jurisdiction of the juvenile court, the patient's social
40 worker or probation officer and, for Indian children, as defined by

1 subdivisions (a) and (b) of Section 224.1 of the Welfare and
2 Institutions Code, the child's tribe shall be included in the
3 consultation by the treatment team.

4 (K) Guidelines for the use of physical restraints and seclusion
5 providing protections and safeguards in addition to the
6 requirements in Subpart G (commencing with Section 483.350)
7 of Title 42 of the Code of Federal Regulations. If a patient under
8 the jurisdiction of the juvenile court under Section 300 or 602 of
9 the Welfare and Institutions Code has been restrained or secluded,
10 the facility shall notify the patient's counsel, social worker, or
11 probation officer, as applicable, the patient's tribe if the patient is
12 an Indian child, as defined in subdivisions (a) and (b) of Section
13 224.1 of the Welfare and Institutions Code, and, except in cases
14 in which parental rights or a legal guardianship has been
15 terminated, the patient's parent, legal guardian, or Indian custodian.

16 (2) Notwithstanding Chapter 3.5 (commencing with Section
17 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
18 the State Department of Health Care Services may implement,
19 interpret, or make specific the provisions applicable to psychiatric
20 residential treatment facilities in this chapter, Division 1.5
21 (commencing with Section 1180) of this code, and Chapter 1
22 (commencing with Section 11000) of Part 3 of Division 9 of the
23 Welfare and Institutions Code, in whole or in part, by means of
24 plan or county letters, information notices, plan or provider
25 bulletins, or other similar instructions, until regulations are adopted
26 no later than December 31, 2027.

27 (f) On or before June 1, 2027, the secretary or their designee,
28 in consultation with the State Department of Social Services, shall
29 report to the Legislature on the use of psychiatric residential
30 treatment facilities in the state. The report shall include evaluation
31 metrics assessing the efficacy of facilities in treating the mental
32 health of individuals under 21 years of age, including analyses of
33 individuals under 21 years of age within and without the
34 jurisdiction of the juvenile court and by age, race or ethnicity, and
35 sexual orientation and gender identity, and shall be submitted in
36 compliance with Section 9795 of the Government Code.

37 (g) Information released or published pursuant to this section
38 shall not contain data that may lead to the identification of patients
39 receiving services in a psychiatric residential treatment facility or
40 information that would otherwise allow an individual to link the

published information to a specific person. Data published by the department shall be deidentified in compliance with Section 164.514(a) and (b) of Title 45 of the Code of Federal Regulations.

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

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

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

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

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

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

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

(c) (1) An administrator certification training program for group homes shall require a minimum of 40 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor, and that provides training on a uniform core of knowledge in each of the following areas:

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

(B) Business operations.

(C) Management and supervision of staff.

1 (D) Psychosocial and educational needs of the children,
2 including, but not limited to, the information described in
3 subdivision (d) of Section 16501.4 of the Welfare and Institutions
4 Code.

5 (E) Community and support services.

6 (F) Physical needs of the children.

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

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

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

20 (J) Nonviolent emergency intervention and reporting
21 requirements.

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

25 (L) The information described in subdivision (i) of Section
26 16521.5 of the Welfare and Institutions Code. The program may
27 use the curriculum created pursuant to subdivision (h), and
28 described in subdivision (i), of Section 16521.5 of the Welfare and
29 Institutions Code.

30 (2) An administrator certification training program for short-term
31 residential therapeutic programs shall require a minimum of 40
32 hours of instruction conducive to learning, in which participants
33 are able to simultaneously interact with each other as well as with
34 the instructor, and that provides training on a uniform core of
35 knowledge in each of the following areas:

36 (A) Laws, regulations, and policies and procedural standards
37 that impact the operations of a short-term residential therapeutic
38 program.

39 (B) Business operations and management and supervision of
40 staff, including staff training.

1 (C) Physical and psychosocial needs of the children, including
2 behavior management, de-escalation techniques, and trauma
3 informed crisis management planning.

4 (D) Permanence, well-being, and educational needs of the
5 children.

6 (E) Community and support services, including accessing local
7 behavioral and mental health supports and interventions, substance
8 use disorder treatments, and culturally relevant services, as
9 appropriate.

10 (F) Understanding the requirements and best practices regarding
11 psychotropic medications, including, but not limited to, court
12 authorization, uses, benefits, side effects, interactions, assistance
13 with self-administration, misuse, documentation, storage, and
14 metabolic monitoring of children prescribed psychotropic
15 medications.

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

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

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

33 (J) Nonviolent emergency intervention and reporting
34 requirements.

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

38 (L) The information described in subdivision (i) of Section
39 16521.5 of the Welfare and Institutions Code. The program may
40 use the curriculum created pursuant to subdivision (h), and

1 described in subdivision (i), of Section 16521.5 of the Welfare and
2 Institutions Code.

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

10 (1) Laws, regulations, and policies and procedural standards
11 that impact the operations of a short-term residential therapeutic
12 program.

13 (2) (A) Authorization, uses, benefits, side effects, interactions,
14 assistance with self-administration, misuse, documentation, and
15 storage of medications.

16 (B) Metabolic monitoring of children prescribed psychotropic
17 medications.

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

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

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

35 (6) Physical and psychosocial needs of children, including
36 behavior management, de-escalation techniques, and trauma
37 informed crisis management planning.

38 (e) Individuals applying for administrator certification under
39 this section shall successfully complete an approved administrator
40 certification training program, pass an examination administered

1 by the department within 60 days of completing the program,
2 submit to the department an administrator certification application,
3 and submit to the department the documentation required by
4 subdivision (f) within 30 days after being notified of having passed
5 the examination. The department may extend these time deadlines
6 for good cause. The department shall notify the applicant of their
7 examination results within 30 days of administering the
8 examination.

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

11 (1) An administrator certification application.

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

14 (3) The fee for processing an administrator certification
15 application, including the issuance of the administrator certificate,
16 as specified in subparagraph (A) of paragraph (1) of subdivision
17 (l).

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

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

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

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

28 (h) (1) Administrator certificates issued under this section shall
29 be renewed every two years and renewal shall be conditional upon
30 the certificate holder submitting documentation of completion of
31 40 hours of continuing education related to the uniform core of
32 knowledge specified in subdivision (c). No more than one-half of
33 the required 40 hours of continuing education necessary to renew
34 the certificate may be satisfied through self-paced courses. All
35 other continuing education hours shall be completed in an
36 instructional setting conducive to learning, in which participants
37 are able to simultaneously interact with each other as well as with
38 the instructor. For purposes of this section, an individual who is a
39 group home or short-term residential therapeutic program
40 administrator and who is required to complete the continuing

1 education hours required by the regulations of the State Department
2 of Developmental Services, and approved by the regional center,
3 may have up to 24 of the required continuing education course
4 hours credited toward the 40-hour continuing education
5 requirement of this section. The department shall accept for
6 certification, community college course hours approved by the
7 regional centers.

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

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

27 (4) To renew an administrator certificate, the certificate holder
28 shall, on or before the certificate expiration date, submit to the
29 department an administrator certification renewal application and
30 documentation of completion of the required continuing education
31 courses and pay the renewal fee, as specified in subparagraph (A)
32 of paragraph (1) of subdivision (I), irrespective of receipt of the
33 department's notification of the renewal. A renewal request
34 postmarked on or before the expiration of the certificate shall be
35 proof of compliance with this paragraph.

36 (5) A suspended or revoked administrator certificate shall be
37 subject to expiration as provided for in this section. If reinstatement
38 of the certificate is approved by the department, the certificate
39 holder, as a condition precedent to reinstatement, shall submit
40 proof of compliance with paragraphs (1) and (2) of this subdivision,

1 and shall pay a fee in an amount equal to the renewal fee, plus the
2 delinquency fee, if any, as specified in subparagraphs (A) and (C)
3 of paragraph (1) of subdivision (I), accrued at the time of its
4 revocation or suspension. Delinquency fees, if any, accrued
5 subsequent to the time of its revocation or suspension and prior to
6 an order for reinstatement, shall be waived for a period of 12
7 months to allow the individual sufficient time to complete the
8 required continuing education units and to submit the required
9 documentation. Individuals whose certificates will expire within
10 90 days after the order for reinstatement may be granted a
11 three-month extension to renew their certificates during which
12 time the delinquency fees shall not accrue.

13 (6) An administrator certificate that is not renewed within four
14 years after its expiration shall not be renewed, restored, reissued,
15 or reinstated except upon completion of an administrator
16 certification training program, passing any examination that may
17 be required of an applicant for a new certificate at that time, and
18 paying the fee specified in subparagraph (A) of paragraph (1) of
19 subdivision (I).

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

23 (8) A certificate holder shall inform the department of their
24 employment status and change of mailing address within 30 days
25 of any change.

26 (i) Unless otherwise ordered by the department, an administrator
27 certificate shall be considered forfeited under either of the
28 following conditions:

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

31 (2) The department has issued an exclusion order against the
32 administrator pursuant to Section 1558, 1568.092, 1569.58, or
33 1596.8897, after the department issued the certificate, and the
34 administrator did not appeal the exclusion order or, after the appeal,
35 the department issued a decision and order that upheld the
36 exclusion order.

37 (j) (1) The department, in consultation and collaboration with
38 county placement officials, provider organizations, the State
39 Department of Health Care Services, and the State Department of
40 Developmental Services, shall establish, by regulation, the program

1 content, the testing instrument, the process for approving
2 administrator certification training programs, and criteria to be
3 used in authorizing individuals, organizations, or educational
4 institutions as vendors to conduct administrator certification
5 training programs and continuing education courses. The
6 department may also grant continuing education hours for courses
7 offered by accredited educational institutions that are consistent
8 with the requirements in this section. The department may deny
9 vendor approval to any agency or person in any of the following
10 circumstances:

11 (A) The applicant has not provided the department with evidence
12 satisfactory to the department of the ability of the applicant to
13 satisfy the requirements of vendorization set out in the regulations
14 adopted by the department.

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

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

25 (2) The department may authorize vendors to conduct
26 administrator certification training programs and continuing
27 education courses pursuant to this section. The department shall
28 conduct the examination pursuant to regulations adopted by the
29 department.

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

32 (4) The department may inspect administrator certification
33 training programs and continuing education courses, including
34 online courses, at no charge to the department, to determine if
35 content and teaching methods comply with this section and
36 applicable regulations. If the department determines that any
37 vendor is not complying with the requirements of this section, the
38 department shall take appropriate action to bring the program into
39 compliance, which may include removing the vendor from the
40 approved training vendors list.

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

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

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

9 (i) An interactive portion in which the participant receives
10 feedback, through online communication, based on input from the
11 participant.

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

14 (iii) A final screen displaying a printable statement, to be signed
15 by the participant, certifying that the identified participant
16 completed the course. The vendor shall obtain a copy of the final
17 screen statement with the original signature of the participant prior
18 to the issuance of a certificate of completion. The signed statement
19 of completion shall be maintained by the vendor for a period of
20 three years and be available to the department upon demand. A
21 person who certifies as true any material matter pursuant to this
22 clause that the person knows to be false is guilty of a misdemeanor.

23 (B) This subdivision does not prohibit the department from
24 approving online programs that do not meet the requirements of
25 subparagraph (A) if the vendor demonstrates to the department's
26 satisfaction that, through advanced technology, the course and the
27 course delivery meet the requirements of this section.

28 (8) The department shall charge a fee for processing a continuing
29 education training program vendor application or renewal, as
30 specified in subparagraph (B) of paragraph (3) of subdivision (l).

31 (9) The department shall charge a fee for processing a continuing
32 education course, as specified in paragraph (4) of subdivision (l).

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

36 (l) The department shall charge nonrefundable fees, as follows:

37 (1) Commencing July 1, 2021, the fee amount in subparagraph
38 (A) shall be incrementally increased by 10 percent each year, not
39 to exceed 40 percent, over a four-year period. The current fee

1 specified in subparagraph (A) shall be the base for each yearly
2 increase, which shall be effective July 1 of each year.

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

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

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

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

15 (3) Commencing July 1, 2021, fee amounts in subparagraphs
16 (A) and (B) shall be incrementally increased by 10 percent each
17 year, not to exceed 40 percent, over a four-year period. The current
18 fee specified in subparagraphs (A) and (B) shall be the base for
19 each yearly increase and each increase shall be effective July 1 of
20 each year.

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

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

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

30 (5) Notwithstanding paragraphs (1) to (4), inclusive, a fee
31 charged pursuant to this subdivision shall not exceed the reasonable
32 costs to the department of conducting the certification training
33 program.

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

1 SEC. 19. Section 1562.01 of the Health and Safety Code is
2 amended to read:

3 1562.01. (a) The department shall license short-term residential
4 therapeutic programs, as defined in paragraph (18) of subdivision
5 (a) of Section 1502, pursuant to this chapter. A short-term
6 residential therapeutic program shall comply with all requirements
7 of this chapter that are applicable to group homes and to the
8 requirements of this section.

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

13 (2) A short-term residential therapeutic program applicant shall
14 submit documentation of accreditation or application for
15 accreditation with its application for licensure.

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

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

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

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

28 (c) (1) A short-term residential therapeutic program shall have
29 up to 12 months from the date of licensure to obtain in good
30 standing a mental health program approval and Medi-Cal mental
31 health certification, as set forth in Sections 4096.5 and 11462.01
32 of the Welfare and Institutions Code.

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

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

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

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

6 (A) A statement of purposes and goals.

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

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

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

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

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

20 (ii) Description of the short-term residential therapeutic
21 program's ability to support the individual needs of children and
22 their families with short-term, specialized, trauma-informed, and
23 intensive treatment, including, but not limited to, treatment that
24 implements child-specific short- and long-term needs and goals
25 identified by the qualified individual's assessment of the child
26 pursuant to subdivision (g) of Section 4096 of the Welfare and
27 Institutions Code.

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

32 (iv) Procedures for the development, implementation, and
33 periodic updating of the needs and services plan for children served
34 by the short-term residential therapeutic program and procedures
35 for collaborating with the child and family team described in
36 paragraph (4) of subdivision (a) of Section 16501 of the Welfare
37 and Institutions Code, that include, but are not limited to, a
38 description of the services to be provided or arranged to meet the
39 short- and long-term needs and goals of the child as assessed by
40 the qualified individual, pursuant to Sections 4096 and 11462.01

1 of the Welfare and Institutions Code, processes to ensure treatment
2 is consistent with the short- and long-term needs and goals for the
3 child, including, as specified in the child's permanency plan, the
4 anticipated duration of the treatment, and processes to ensure that
5 consistent progress is made toward the timeframe and plan for
6 transitioning the child to a less restrictive family environment.

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

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

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

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

20 (ib) Development of an individualized family-based aftercare
21 support plan that identifies necessary supports, services, and
22 treatment to be provided for at least six months postdischarge as
23 a child moves from their short-term residential therapeutic program
24 placement to home-based family care setting or to a permanent
25 living situation through reunification, adoption, or guardianship,
26 or to a transitional housing program. This plan shall be developed,
27 pursuant to Section 4096.6 of the Welfare and Institutions Code,
28 in collaboration with the county placing agency, the child and
29 family team, and other necessary agencies or individuals for at
30 least six months postdischarge. Federal financial participation
31 under the Medi-Cal program shall only be available if all state and
32 federal requirements are met and the treatment is medically
33 necessary, regardless of the six months postdischarge requirement.

34 (ic) Documentation of the process by which the short- and
35 long-term, child-specific mental health goals identified by a
36 qualified individual, as defined in Section 16501 of the Welfare
37 and Institutions Code, pursuant to subdivision (g) of Section 4096
38 of the Welfare and institutions Code, will be implemented by the
39 short-term residential therapeutic program.

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

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

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

11 (ib) Facilitate outreach to the family members of the child,
12 including siblings, document how the outreach is made, including
13 contact information, and maintain contact information for any
14 known biological family and nonrelative extended family members
15 of the child.

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

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

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

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

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

33 (ii) The letter of recommendation shall include a statement that
34 the county placing agency reviewed a copy of the applicant's
35 program statement.

36 (iii) If the letter of recommendation is not from the county in
37 which the facility is located, the short-term residential therapeutic
38 program applicant shall include, with its application, a statement
39 that it provided the county in which the facility is located an
40 opportunity for that county to review the program statement and

1 notified that county that the facility has received a letter of
2 recommendation from another county.

3 (B) If the application does not contain a letter of
4 recommendation as described in subparagraph (A), then the
5 department shall cease review of the application. Nothing in this
6 paragraph shall constitute a denial of the application for purposes
7 of Section 1526 or any other law.

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

10 (2) A short-term residential therapeutic program shall submit a
11 copy of its program statement to all county placing agencies from
12 which the short-term residential therapeutic program accepts
13 placements, including the county in which the facility is located,
14 for optional review when the short-term residential therapeutic
15 program updates its program statement.

16 (g) (1) The department shall adopt regulations to establish
17 requirements for the education, qualification, and training of facility
18 managers and staff who provide care and supervision to children
19 or who have regular, direct contact with children in the course of
20 their responsibilities in short-term residential therapeutic programs
21 consistent with the intended role of these facilities to provide
22 short-term, specialized, and intensive treatment.

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

25 (A) Staff classifications.

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

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

30 (h) The department shall adopt regulations to specify training
31 requirements for staff who provide care and supervision to children
32 or who have regular, direct contact with children in the course of
33 their responsibilities. These requirements shall include both of the
34 following:

35 (1) Timeframes for completion of training, including the
36 following:

37 (A) Training that shall be completed prior to unsupervised care
38 of children.

39 (B) Training to be completed within the first 180 days of
40 employment.

1 (C) Training to be completed annually.

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

4 (A) Child and adolescent development, including sexual
5 orientation, gender identity, and gender expression.

6 (B) The effects of trauma, including grief and loss, and child
7 abuse and neglect on child development and behavior and methods
8 to behaviorally support children impacted by that trauma or child
9 abuse and neglect.

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

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

18 (E) Core practice model.

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

20 (G) Reasonable and prudent parent standard.

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

25 (I) Awareness and identification of commercial sexual
26 exploitation and best practices for providing care and supervision
27 to commercially sexually exploited children.

28 (J) The federal Indian Child Welfare Act of 1978 (25 U.S.C.
29 Sec. 1901 et seq.), its historical significance, the rights of children
30 covered by the act, and the best interests of Indian children,
31 including the role of the caregiver in supporting culturally
32 appropriate, child-centered practices that respect Native American
33 history, culture, retention of tribal membership, and connection to
34 the tribal community and traditions.

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

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

39 (M) Best practices for providing care and supervision to
40 nonminor dependents.

1 (N) Health issues in foster care.

2 (O) Physical and psychosocial needs of children, including
3 behavior management, de-escalation techniques, and
4 trauma-informed crisis management planning.

5 (i) (1) Each person employed as a facility manager or staff
6 member of a short-term residential therapeutic program, who
7 provides direct care and supervision to children and youth residing
8 in the short-term residential therapeutic program shall be at least
9 21 years of age.

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

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

19 (k) A short-term residential therapeutic program shall have a
20 qualified and certified administrator, as set forth in Section
21 1522.41.

22 (l) A short-term residential therapeutic program shall provide
23 trauma-informed support and transition services to foster youth as
24 part of a planned or unplanned discharge. This shall include
25 participation in any county-level or state-level meetings pursuant
26 to Section 16521.6 of the Welfare and Institutions Code with the
27 goal of placement preservation whenever possible or, if necessary,
28 identifying and working with alternative short-term residential
29 therapeutic programs or other providers to directly transition the
30 youth.

31 (m) The department shall have the authority to inspect a
32 short-term residential therapeutic program pursuant to the system
33 of governmental monitoring and oversight developed by the
34 department pursuant to subdivision (c) of Section 11462 of the
35 Welfare and Institutions Code.

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

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

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

6 (4) If a child who is placed in a short-term residential therapeutic
7 program by a county placing agency requires regular onsite nursing
8 care and does not require inpatient care in a licensed health facility,
9 the short-term residential therapeutic program shall provide the
10 nursing care consistent with their treatment model, or shall partner
11 with the county placing agency to arrange for the nursing care to
12 be provided.

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

16 (o) The short-term residential therapeutic program shall maintain
17 the interagency placement committee's written determination and
18 the qualified individual's assessment of the child, required to be
19 completed and provided to the short-term residential therapeutic
20 program pursuant to subdivisions (f) and (g) of Section 4096 of
21 the Welfare and Institutions Code, in the child's record.

22 (p) The short-term residential therapeutic program shall engage
23 with the county placing agency in placement preservation strategies
24 pursuant to Section 16010.7 of the Welfare and Institutions Code,
25 as applicable. Nothing in this subdivision shall be interpreted to
26 supersede the placement and care responsibility vested in the
27 county placing agency or their responsibilities under Section
28 16010.7 of the Welfare and Institution Code.

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

34 (2) Notwithstanding the rulemaking provisions of the
35 Administrative Procedure Act (Chapter 3.5 (commencing with
36 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
37 Code), the department may implement, interpret, or make specific
38 this section by means of interim licensing standards until
39 regulations are adopted. These interim licensing standards shall

1 have the same force and effect as regulations until the adoption of
2 regulations.

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

5 1563. (a) The department shall ensure that licensing personnel
6 at the department have appropriate training to properly carry out
7 this chapter.

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

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

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

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

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

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

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

38 (3) The biological, psychological, interpersonal, and social
39 contributors to these behaviors.

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

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

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

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

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

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

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

24 (5) Accessing the services and supports available to foster
25 children to address educational needs, physical, mental, and
26 behavioral health, substance use disorders, and culturally relevant
27 services.

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

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

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

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

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

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

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

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

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

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

19 (16) Physical and psychosocial needs of children, including
20 behavior management, de-escalation techniques, and trauma
21 informed crisis management planning.

22 SEC. 21. Section 127825 of the Health and Safety Code is
23 amended to read:

24 127825. (a) As a component of the Children and Youth
25 Behavioral Health Initiative established pursuant to Chapter 2
26 (commencing with Section 5961) of Part 7 of Division 5 of the
27 Welfare and Institutions Code, the office is hereby authorized to
28 award competitive grants to entities and individuals it deems
29 qualified to expand the supply of behavioral health counselors,
30 coaches, peer supports, and other allied health care providers
31 serving children and youth, including those at schoolsites.

32 (b) For the purposes of this chapter, "behavioral health coach"
33 means a new category of behavioral health provider trained
34 specifically to help address the unmet mental health and substance
35 use needs of children and youth. Recognizing that unmet mental
36 health and substance use needs create learning barriers, behavioral
37 health coaches shall engage and support children and youth in
38 cultural, linguistic, and age-appropriate services, with the ability
39 to refer and link to higher levels of care, as needed. As members
40 of a care team, behavioral health professionals serving as a coach

1 receive appropriate supervision from licensed staff. Training and
2 qualifications include, but are not limited to, psychoeducation,
3 system navigation, crisis de-escalation, safety planning, coping
4 skills, and motivational interviewing.

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

6 6401.8. (a) The standards board, no later than July 1, 2016,
7 shall adopt standards developed by the division that require a
8 hospital licensed pursuant to subdivision (a), (b), or (f) of Section
9 1250 of the Health and Safety Code, except as exempted by
10 subdivision (e), to adopt a workplace violence prevention plan as
11 a part of its injury and illness prevention plan to protect health care
12 workers and other facility personnel from aggressive and violent
13 behavior.

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

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

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

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

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

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

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

36 (i) How to recognize potential for violence, and when and how
37 to seek assistance to prevent or respond to violence.

38 (ii) How to report violent incidents to law enforcement.

1 (iii) Any resources available to employees for coping with
2 incidents of violence, including, but not limited to, critical incident
3 stress debriefing or employee assistance programs.

4 (B) A system for responding to, and investigating violent
5 incidents and situations involving violence or the risk of violence.

6 (C) A system to, at least annually, assess and improve upon
7 factors that may contribute to, or help prevent workplace violence,
8 including, but not limited to, the following factors:

9 (i) Staffing, including staffing patterns and patient classification
10 systems that contribute to, or are insufficient to address, the risk
11 of violence.

12 (ii) Sufficiency of security systems, including alarms, emergency
13 response, and security personnel availability.

14 (iii) Job design, equipment, and facilities.

15 (iv) Security risks associated with specific units, areas of the
16 facility with uncontrolled access, late-night or early morning shifts,
17 and employee security in areas surrounding the facility such as
18 employee parking areas.

19 (4) A requirement that all workplace violence prevention plans
20 be developed in conjunction with affected employees, including
21 their recognized collective bargaining agents, if any.

22 (5) A requirement that all temporary personnel be oriented to
23 the workplace violence prevention plan.

24 (6) Provisions prohibiting hospitals from disallowing an
25 employee from, or taking punitive or retaliatory action against an
26 employee for, seeking assistance and intervention from local
27 emergency services or law enforcement when a violent incident
28 occurs.

29 (7) A requirement that hospitals document, and retain for a
30 period of five years, a written record of any violent incident against
31 a hospital employee, regardless of whether the employee sustains
32 an injury, and regardless of whether the report is made by the
33 employee who is the subject of the violent incident or any other
34 employee.

35 (8) A requirement that a hospital report violent incidents to the
36 division. If the incident results in injury, involves the use of a
37 firearm or other dangerous weapon, or presents an urgent or
38 emergent threat to the welfare, health, or safety of hospital
39 personnel, the hospital shall report the incident to the division

1 within 24 hours. All other incidents of violence shall be reported
2 to the division within 72 hours.

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

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

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

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

21 (I) Small and rural hospitals.

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

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

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

33 (B) For purposes of this paragraph, the following definitions
34 shall apply:

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

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

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

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

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

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

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

38 (3) “Totality of the circumstances” means all facts known to
39 the peace officer at the time, including the conduct of the officer
40 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 (7) (A) Notwithstanding any other law, including Sections
9 13201 and 11081, and Sections 1798.24 and 1798.34 of the Civil
10 Code, upon request from the defendant's attorney, the district
11 attorney of the county in which the defendant was sentenced, or
12 the Attorney General if the Department of Justice originally
13 prosecuted the case, the Department of Corrections and
14 Rehabilitation shall, in accordance with this subparagraph and
15 subparagraph (C), provide to the requesting party a case summary,
16 disciplinary records, programming records, chronos, and any other
17 material the department deems relevant to a postconviction
18 proceeding.

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

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

30 (D) Any party may file a motion with the court presiding over
31 a postconviction proceeding seeking disclosure of anything
32 redacted under subparagraph (C). In addition to the parties required
33 to be served such a motion, service is required upon the Department
34 of Corrections and Rehabilitation through the person designated
35 under subdivision (d). The court shall determine whether good
36 cause exists for in-camera review of the redacted material. If the
37 court determines that good cause exists for in-camera review, the
38 department shall provide the unredacted material for in-camera
39 review within seven days. After an in-camera review, the court
40 shall order disclosure of any redacted material that may be relevant

1 to the postconviction proceeding and issue an appropriate protective
2 order limiting the use and scope of the disclosure.

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

8 (F) The Department of Corrections and Rehabilitation shall
9 promulgate regulations to implement subparagraphs (A) to (C),
10 inclusive.

11 (d) The Department of Corrections and Rehabilitation shall
12 designate a person for each prison as a point of contact for records,
13 transportation, or inquiries pursuant to this section. The department
14 shall regularly maintain a public directory of each person
15 designated pursuant to this subdivision, including contact
16 information.

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

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

21 ~~SEC. 26. Section 1202.4 of the Penal Code is amended to read:~~

22 ~~1202.4. (a) (1) It is the intent of the Legislature that a victim~~
23 ~~of crime who incurs an economic loss as a result of the commission~~
24 ~~of a crime shall receive restitution directly from a defendant~~
25 ~~convicted of that crime.~~

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

29 ~~(3) The court, in addition to any other penalty provided or~~
30 ~~imposed under the law, shall order the defendant to pay both of~~
31 ~~the following:~~

32 ~~(A) A restitution fine in accordance with subdivision (b).~~

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

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

1 ~~(1) The restitution fine shall be set at the discretion of the court~~
2 ~~and commensurate with the seriousness of the offense. If the person~~
3 ~~is convicted of a felony, the fine shall not be less than three hundred~~
4 ~~dollars (\$300) and not more than ten thousand dollars (\$10,000).~~
5 ~~If the person is convicted of a misdemeanor, the fine shall not be~~
6 ~~less than one hundred fifty dollars (\$150) and not more than one~~
7 ~~thousand dollars (\$1,000).~~

8 ~~(2) In setting a felony restitution fine, the court may determine~~
9 ~~the amount of the fine as the product of the minimum fine pursuant~~
10 ~~to paragraph (1) multiplied by the number of years of imprisonment~~
11 ~~the defendant is ordered to serve, multiplied by the number of~~
12 ~~felony counts of which the defendant is convicted.~~

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

26 ~~(d) In setting the amount of the fine pursuant to subdivision (b)~~
27 ~~in excess of the minimum fine pursuant to paragraph (1) of~~
28 ~~subdivision (b), the court shall consider any relevant factors,~~
29 ~~including, but not limited to, the defendant's inability to pay, the~~
30 ~~seriousness and gravity of the offense and the circumstances of its~~
31 ~~commission, any economic gain derived by the defendant as a~~
32 ~~result of the crime, the extent to which any other person suffered~~
33 ~~losses as a result of the crime, and the number of victims involved~~
34 ~~in the crime. Those losses may include pecuniary losses to the~~
35 ~~victim or the victim's dependents as well as intangible losses, such~~
36 ~~as psychological harm caused by the crime. Consideration of a~~
37 ~~defendant's inability to pay may include the defendant's future~~
38 ~~earning capacity. A defendant shall bear the burden of~~
39 ~~demonstrating the defendant's inability to pay. Express findings~~
40 ~~by the court as to the factors bearing on the amount of the fine~~

1 shall not be required. A separate hearing for the fine shall not be
2 required.

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

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

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

34 (2) Determination of the amount of restitution ordered pursuant
35 to this subdivision shall not be affected by the indemnification or
36 subrogation rights of a third party. Restitution ordered pursuant to
37 this subdivision shall be ordered to be deposited in the Restitution
38 Fund to the extent that the victim, as defined in subdivision (k),
39 has received assistance from the California Victim Compensation

1 Board pursuant to Chapter 5 (commencing with Section 13950)
2 of Part 4 of Division 3 of Title 2 of the Government Code.

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

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

13 (B) ~~Medical expenses.~~

14 (C) ~~Mental health counseling expenses.~~

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

23 (E) ~~Wages or profits lost by the victim, and if the victim is a~~
24 ~~minor, wages or profits lost by the minor's parent, parents,~~
25 ~~guardian, or guardians, due to time spent as a witness or in assisting~~
26 ~~the police or prosecution. Lost wages shall include commission~~
27 ~~income as well as base wages. Commission income shall be~~
28 ~~established by evidence of commission income during the~~
29 ~~12-month period prior to the date of the crime for which restitution~~
30 ~~is being ordered, unless good cause for a shorter time period is~~
31 ~~shown.~~

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

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

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

39 (I) ~~Expenses incurred by an adult victim in relocating away~~
40 ~~from the defendant, including, but not limited to, deposits for~~

1 utilities and telephone service, deposits for rental housing,
2 temporary lodging and food expenses, clothing, and personal items.
3 Expenses incurred pursuant to this section shall be verified by law
4 enforcement to be necessary for the personal safety of the victim
5 or by a mental health treatment provider to be necessary for the
6 emotional well-being of the victim.

7 (J) Expenses to install or increase residential security incurred
8 related to a violation of Section 273.5, or a violent felony as defined
9 in subdivision (c) of Section 667.5, including, but not limited to,
10 a home security device or system, or replacing or increasing the
11 number of locks.

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

16 (L) Expenses for a period of time reasonably necessary to make
17 the victim whole, for the costs to monitor the credit report of, and
18 for the costs to repair the credit of, a victim of identity theft, as
19 defined in Section 530.5.

20 (4) (A) If, as a result of the defendant's conduct, the Restitution
21 Fund has provided assistance to or on behalf of a victim or
22 derivative victim pursuant to Chapter 5 (commencing with Section
23 13950) of Part 4 of Division 3 of Title 2 of the Government Code,
24 the amount of assistance provided shall be presumed to be a direct
25 result of the defendant's criminal conduct and shall be included
26 in the amount of the restitution ordered.

27 (B) The amount of assistance provided by the Restitution Fund
28 shall be established by copies of bills submitted to the California
29 Victim Compensation Board reflecting the amount paid by the
30 board and whether the services for which payment was made were
31 for medical or dental expenses, funeral or burial expenses, mental
32 health counseling, wage or support losses, or rehabilitation.
33 Certified copies of these bills provided by the board and redacted
34 to protect the privacy and safety of the victim or any legal privilege,
35 together with a statement made under penalty of perjury by the
36 custodian of records that those bills were submitted to and were
37 paid by the board, shall be sufficient to meet this requirement.

38 (C) If the defendant offers evidence to rebut the presumption
39 established by this paragraph, the court may release additional
40 information contained in the records of the board to the defendant

1 only after reviewing that information in camera and finding that
2 the information is necessary for the defendant to dispute the amount
3 of the restitution order.

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

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

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

32 (8) In its discretion, the court may relieve the defendant of the
33 duty under paragraph (7) of filing with the clerk by requiring that
34 the defendant's disclosure be submitted as an attachment to, and
35 be available to, those authorized to receive the following:

36 (A) A report submitted pursuant to subparagraph (D) of
37 paragraph (2) of subdivision (b) of Section 1203 or subdivision
38 (g) of Section 1203.

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

1 ~~(C) A report by the probation officer, or information submitted~~
2 ~~by the defendant applying for a conditional sentence pursuant to~~
3 ~~subdivision (d) of Section 1203.~~

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

7 ~~(A) A circumstance in aggravation of the crime in imposing a~~
8 ~~term under subdivision (b) of Section 1170.~~

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

11 ~~(C) A factor indicating that the interests of justice would not be~~
12 ~~served by conditionally sentencing the defendant under Section~~
13 ~~1203.~~

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

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

21 ~~(A) Require the defendant to be examined by the district attorney~~
22 ~~pursuant to subdivision (h).~~

23 ~~(B) If sentencing the defendant under Section 1170, provide~~
24 ~~that the victim shall receive a copy of the portion of the probation~~
25 ~~report filed pursuant to Section 1203.10 concerning the defendant's~~
26 ~~employment, occupation, finances, and liabilities.~~

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

30 ~~(11) If a defendant has any remaining unpaid balance on a~~
31 ~~restitution order or fine 120 days prior to the defendant's scheduled~~
32 ~~release from probation or 120 days prior to the defendant's~~
33 ~~completion of a conditional sentence, the defendant shall prepare~~
34 ~~and file a new and updated financial disclosure identifying all~~
35 ~~assets, income, and liabilities in which the defendant holds or~~
36 ~~controls or has held or controlled a present or future interest during~~
37 ~~the defendant's period of probation or conditional sentence. The~~
38 ~~financial disclosure shall be made available to the victim and the~~
39 ~~board pursuant to Section 1214. The disclosure shall be signed~~
40 ~~and prepared by the defendant on the same form as described in~~

1 paragraph (5). A defendant who willfully states as true a material
2 matter that the defendant knows to be false on the disclosure
3 required by this subdivision is guilty of a misdemeanor, unless
4 this conduct is punishable as perjury or another provision of law
5 provides for a greater penalty. The financial disclosure required
6 by this paragraph shall be filed with the clerk of the court no later
7 than 90 days prior to the defendant's scheduled release from
8 probation or completion of the defendant's conditional sentence.

9 (12) In cases where an employer is convicted of a crime against
10 an employee, a payment to the employee or the employee's
11 dependent that is made by the employer's workers' compensation
12 insurance carrier shall not be used to offset the amount of the
13 restitution order unless the court finds that the defendant
14 substantially met the obligation to pay premiums for that insurance
15 coverage.

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

18 (h) The district attorney may request an order of examination
19 pursuant to the procedures specified in Article 2 (commencing
20 with Section 708.110) of Chapter 6 of Division 2 of Title 9 of Part
21 2 of the Code of Civil Procedure, in order to determine the
22 defendant's financial assets for purposes of collecting on the
23 restitution order.

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

26 (j) The making of a restitution order pursuant to subdivision (f)
27 shall not affect the right of a victim to recovery from the Restitution
28 Fund as otherwise provided by law, except to the extent that
29 restitution is actually collected pursuant to the order. Restitution
30 collected pursuant to this subdivision shall be credited to any other
31 judgments for the same losses obtained against the defendant
32 arising out of the crime for which the defendant was convicted.

33 (k) For purposes of this section, "victim" shall include all of
34 the following:

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

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

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

3 ~~(A) At the time of the crime was the parent, grandparent, sibling,~~
4 ~~spouse, child, or grandchild of the victim.~~

5 ~~(B) At the time of the crime was living in the household of the~~
6 ~~victim.~~

7 ~~(C) At the time of the crime was a person who had previously~~
8 ~~lived in the household of the victim for a period of not less than~~
9 ~~two years in a relationship substantially similar to a relationship~~
10 ~~listed in subparagraph (A).~~

11 ~~(D) Is another family member of the victim, including, but not~~
12 ~~limited to, the victim's fiancé or fiancée, and who witnessed the~~
13 ~~crime.~~

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

15 ~~(4) A person who is eligible to receive assistance from the~~
16 ~~Restitution Fund pursuant to Chapter 5 (commencing with Section~~
17 ~~13950) of Part 4 of Division 3 of Title 2 of the Government Code.~~

18 ~~(5) A governmental entity that is responsible for repairing,~~
19 ~~replacing, or restoring public or privately owned property that has~~
20 ~~been defaced with graffiti or other inscribed material, as defined~~
21 ~~in subdivision (e) of Section 594, and that has sustained an~~
22 ~~economic loss as the result of a violation of Section 594, 594.3,~~
23 ~~594.4, 640.5, 640.6, or 640.7.~~

24 ~~(l) In every case in which the defendant is granted probation,~~
25 ~~the court shall make the payment of restitution fines and orders~~
26 ~~imposed pursuant to this section a condition of probation. Any~~
27 ~~portion of a restitution order that remains unsatisfied after a~~
28 ~~defendant is no longer on probation shall continue to be enforceable~~
29 ~~by a victim pursuant to Section 1214 until the obligation is~~
30 ~~satisfied.~~

31 ~~(m) If the court finds and states on the record compelling and~~
32 ~~extraordinary reasons why a restitution fine should not be required,~~
33 ~~the court shall order, as a condition of probation, that the defendant~~
34 ~~perform specified community service, unless it finds and states on~~
35 ~~the record compelling and extraordinary reasons not to require~~
36 ~~community service in addition to the finding that a restitution fine~~
37 ~~should not be required. Upon revocation of probation, the court~~
38 ~~shall impose the restitution fine pursuant to this section.~~

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

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

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

~~(q) (1) In addition to any other penalty or fine, the court shall order a person who has been convicted of a violation of Section 350, 653h, 653s, 653u, 653w, or 653aa that involves a recording or audiovisual work to make restitution to an owner or lawful producer, or trade association acting on behalf of the owner or lawful producer, of a phonograph record, disc, wire, tape, film, or other device or article from which sounds or visual images are derived that suffered economic loss resulting from the violation. The order of restitution shall be based on the aggregate wholesale value of lawfully manufactured and authorized devices or articles from which sounds or visual images are devised corresponding to the number of nonconforming devices or articles involved in the offense, unless a higher value can be proved in the case of (A) an unreleased audio work, or (B) an audiovisual work that, at the time of unauthorized distribution, has not been made available in copies for sale to the general public in the United States on a digital versatile disc. For purposes of this subdivision, possession of nonconforming devices or articles intended for sale constitutes~~

1 actual economic loss to an owner or lawful producer in the form
2 of displaced legitimate wholesale purchases. The order of
3 restitution shall also include reasonable costs incurred as a result
4 of an investigation of the violation undertaken by the owner, lawful
5 producer, or trade association acting on behalf of the owner or
6 lawful producer. “Aggregate wholesale value” means the average
7 wholesale value of lawfully manufactured and authorized sound
8 or audiovisual recordings. Proof of the specific wholesale value
9 of each nonconforming device or article is not required.

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

12 (r) (1) If a corporation, as defined in Section 1398, is convicted
13 of a misdemeanor or felony offense, the court shall impose a
14 separate and additional restitution fine, unless it finds compelling
15 and extraordinary reasons for not doing so and states those reasons
16 on the record.

17 (2) The court may determine the amount of the restitution fine.
18 The fine shall be commensurate with the seriousness of the offense.
19 If the corporation is convicted of a felony, the fine shall not be
20 more than one hundred thousand dollars (\$100,000). If the
21 corporation is convicted of a misdemeanor, the fine shall not be
22 more than one thousand dollars (\$1,000).

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

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

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

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

32 (ii) If the action was brought by a district attorney or county
33 counsel, the moneys shall be paid to the treasurer of the county in
34 which the judgment is entered.

35 (iii) If the action was brought by a city attorney or city
36 prosecutor, one-half of the moneys shall be paid to the treasurer
37 of the county in which the judgment was entered and one-half to
38 the city, except that if the action was brought by a city attorney of
39 a city and county the entire amount of the moneys shall be paid to

1 ~~the treasurer of the city and county in which the judgment is~~
2 ~~entered.~~

3 ~~SEC. 27.~~

4 *SEC. 26.* Section 1370 of the Penal Code is amended to read:

5 1370. (a) (1) (A) If the defendant is found mentally
6 competent, the criminal process shall resume, the trial on the
7 offense charged or hearing on the alleged violation shall proceed,
8 and judgment may be pronounced.

9 (B) If the defendant is found mentally incompetent and is not
10 charged with an offense listed in subdivision (d) of Section
11 1001.36, the trial, the hearing on the alleged violation, or the
12 judgment shall be suspended, and the court shall do all of the
13 following:

14 (i) (I) Determine whether restoring the person to mental
15 competence is in the interests of justice.

16 (II) In exercising its discretion pursuant to this clause, the court
17 shall consider the relevant circumstances of the charged offense,
18 including the harm done to the victim, the defendant's mental
19 health condition, including, without limitation, any intellectual or
20 developmental disability, the history of treatment, the criminal
21 history of the defendant, whether the defendant is likely to face
22 incarceration if convicted, whether the defendant has previously
23 been found incompetent to stand trial, whether restoring the person
24 to mental competence will enhance public safety, and any other
25 relevant considerations. The court shall provide the defense and
26 prosecution an opportunity to be heard on whether restoration is
27 in the interests of justice.

28 (ii) If restoring the person to mental competence is in the
29 interests of justice, the court shall state its reasons orally on the
30 record and the case shall proceed as provided in subparagraph (C).

31 (iii) If restoring the person to mental competence is not in the
32 interests of justice, the court shall conduct a hearing, pursuant to
33 Section 1001.36, and, if the court deems the defendant eligible,
34 grant diversion pursuant to that section for a period not to exceed
35 two years from the date the individual is accepted into diversion
36 or the maximum term of imprisonment provided by law for the
37 most serious offense charged in the complaint, whichever is shorter.

38 (I) The hearing shall be held no later than 30 days after the
39 finding of incompetence. If the hearing is delayed beyond 30 days,

1 the court shall order the defendant to be released on their own
2 recognizance pending the hearing.

3 (II) If the defendant performs satisfactorily on diversion pursuant
4 to this subclause, at the end of the period of diversion, the court
5 shall dismiss the criminal charges that were the subject of the
6 criminal proceedings at the time of the initial diversion.

7 (III) If the court finds the defendant ineligible or unsuitable for
8 diversion based on the circumstances set forth in subdivision (b)
9 or (c) of Section 1001.36, or if any of the conditions described in
10 subdivision (g) of Section 1001.36 are present, the court may, after
11 notice to the defendant, defense counsel, and the prosecution, hold
12 a hearing to determine whether to do any of the following:

13 (ia) Order modification of the treatment plan in accordance with
14 a recommendation from the treatment provider.

15 (ib) Refer the defendant to assisted outpatient treatment pursuant
16 to Section 5346 of the Welfare and Institutions Code. A referral
17 to assisted outpatient treatment may only occur in a county where
18 services are available pursuant to Section 5348 of the Welfare and
19 Institutions Code, and the agency agrees to accept responsibility
20 for treatment of the defendant. A hearing to determine eligibility
21 for assisted outpatient treatment shall be held within 45 days after
22 the finding of incompetence. If the hearing is delayed beyond 45
23 days, the court shall order the defendant, if confined in county jail,
24 to be released on their own recognizance pending that hearing. If
25 the defendant is accepted into assisted outpatient treatment, the
26 charges shall be dismissed pursuant to Section 1385.

27 (ic) Refer the defendant to the county conservatorship
28 investigator in the county of commitment for possible
29 conservatorship proceedings for the defendant pursuant to Chapter
30 3 (commencing with Section 5350) of Part 1 of Division 5 of the
31 Welfare and Institutions Code. A defendant shall only be referred
32 to the conservatorship investigator if it appears to the court or a
33 qualified mental health expert that the defendant appears to be
34 gravely disabled, as defined in paragraph (1) of subdivision (h) of
35 Section 5008 of the Welfare and Institutions Code. Any hearings
36 required in the conservatorship proceedings shall be held in the
37 superior court in the county of commitment. The court shall
38 transmit a copy of the order directing initiation of conservatorship
39 proceedings to the county mental health director or the director's
40 designee and shall notify the county mental health director or their

1 designee of the outcome of the proceedings. Before establishing
2 a conservatorship, the public guardian shall investigate all available
3 alternatives to conservatorship pursuant to Section 5354 of the
4 Welfare and Institutions Code. If a petition is not filed within 30
5 days of the referral, the court shall order the defendant, if confined
6 in county jail, to be released on their own recognizance pending
7 conservatorship proceedings. The charges shall be dismissed
8 pursuant to Section 1385 upon the filing of either a temporary or
9 permanent conservatorship petition unless the basis for the petition
10 is that the defendant is gravely disabled as defined in subparagraph
11 (B) of paragraph (1) of subdivision (h) of Section 5008 of the
12 Welfare and Institutions Code.

13 (id) Refer the defendant to the CARE program pursuant to
14 Section 5978 of the Welfare and Institutions Code. A hearing to
15 determine eligibility for the CARE program shall be held within
16 14 court days after the date on which the petition for the referral
17 is filed. If the hearing is delayed beyond 14 court days, the court
18 shall order the defendant, if confined in county jail, to be released
19 on their own recognizance pending that hearing. If the defendant
20 is accepted into the CARE program, the charges shall be dismissed
21 pursuant to Section 1385.

22 (ie) Reinstate competency proceedings, in which case the court
23 shall credit any time spent in mental health diversion against the
24 maximum term of commitment as specified in paragraph (1) of
25 subdivision (c).

26 (C) If the defendant is found mentally incompetent and restoring
27 the defendant to competence is in the interests of justice or they
28 are charged with an offense listed in subdivision (d) of Section
29 1001.36, the trial, the hearing on the alleged violation, or the
30 judgment shall be suspended until the person becomes mentally
31 competent.

32 (i) The court shall order that the mentally incompetent defendant
33 be delivered by the sheriff to a State Department of State Hospitals
34 facility, as defined in Section 4100 of the Welfare and Institutions
35 Code, as directed by the State Department of State Hospitals, or
36 to any other available public or private treatment facility, including
37 a community-based residential treatment system approved by the
38 community program director, or their designee, that will promote
39 the defendant's speedy restoration to mental competence, or placed
40 on outpatient status as specified in Section 1600.

1 (ii) (I) If a defendant has been found mentally incompetent,
2 and the court has ordered commitment to a State Department of
3 State Hospitals facility as described in Section 4100 of the Welfare
4 and Institutions Code, and is not in the custody of the local sheriff,
5 the department shall inform the sheriff when a placement in a
6 facility becomes available and make reasonable efforts to
7 coordinate a delivery by the sheriff to transport the defendant to
8 the facility. If the department has made reasonable attempts for
9 90 days, starting with the date of commitment, and the defendant
10 has not been transported, as originally ordered under clause (i),
11 the department shall inform the court and sheriff in writing.

12 (II) If the sheriff has not delivered the defendant to a State
13 Department of State Hospitals facility within 90 days after the
14 department's written notice, the commitment to the State
15 Department of State Hospitals shall be automatically stayed and
16 the department may remove the defendant from the pending
17 placement list until the court notifies the department in writing
18 that the defendant is available for transport and the defendant shall
19 regain their place on the pending placement list.

20 (iii) However, if the action against the defendant who has been
21 found mentally incompetent is on a complaint charging a felony
22 offense specified in Section 290, the prosecutor shall determine
23 whether the defendant previously has been found mentally
24 incompetent to stand trial pursuant to this chapter on a charge of
25 a Section 290 offense, or whether the defendant is currently the
26 subject of a pending Section 1368 proceeding arising out of a
27 charge of a Section 290 offense. If either determination is made,
28 the prosecutor shall notify the court and defendant in writing. After
29 this notification, and opportunity for hearing, the court shall order
30 that the defendant be delivered by the sheriff to a State Department
31 of State Hospitals facility, as directed by the State Department of
32 State Hospitals, or other secure treatment facility for the care and
33 treatment of persons with a mental health disorder, unless the court
34 makes specific findings on the record that an alternative placement
35 would provide more appropriate treatment for the defendant and
36 would not pose a danger to the health and safety of others.

37 (iv) If the action against the defendant who has been found
38 mentally incompetent is on a complaint charging a felony offense
39 specified in Section 290 and the defendant has been denied bail
40 pursuant to subdivision (b) of Section 12 of Article I of the

1 California Constitution because the court has found, based upon
2 clear and convincing evidence, a substantial likelihood that the
3 person's release would result in great bodily harm to others, the
4 court shall order that the defendant be delivered by the sheriff to
5 a State Department of State Hospitals facility, as directed by the
6 State Department of State Hospitals, unless the court makes specific
7 findings on the record that an alternative placement would provide
8 more appropriate treatment for the defendant and would not pose
9 a danger to the health and safety of others.

10 (v) (I) If, at any time after the court finds that the defendant is
11 mentally incompetent and before the defendant is transported to
12 a facility pursuant to this section, the court is provided with any
13 information that the defendant may benefit from diversion pursuant
14 to Chapter 2.8A (commencing with Section 1001.35) of Title 6,
15 the court may make a finding that the defendant is an appropriate
16 candidate for diversion.

17 (II) Notwithstanding subclause (I), if a defendant is found
18 mentally incompetent and is transferred to a facility described in
19 Section 4361.6 of the Welfare and Institutions Code, the court
20 may, at any time upon receiving any information that the defendant
21 may benefit from diversion pursuant to Chapter 2.8A (commencing
22 with Section 1001.35) of Title 6, make a finding that the defendant
23 is an appropriate candidate for diversion.

24 (vi) If a defendant is found by the court to be an appropriate
25 candidate for diversion pursuant to clause (v), the defendant's
26 eligibility shall be determined pursuant to Section 1001.36. A
27 defendant granted diversion may participate for the lesser of the
28 period specified in paragraph (1) of subdivision (c) or the
29 applicable period described in subparagraph (C) of paragraph (1)
30 of subdivision (f) of Section 1001.36. If, during that period, the
31 court determines that criminal proceedings should be reinstated
32 pursuant to subdivision (g) of Section 1001.36, the court shall,
33 pursuant to Section 1369, appoint a psychiatrist, licensed
34 psychologist, or any other expert the court may deem appropriate,
35 to determine the defendant's competence to stand trial.

36 (vii) Upon the dismissal of charges at the conclusion of the
37 period of diversion, pursuant to subdivision (h) of Section 1001.36,
38 a defendant shall no longer be deemed incompetent to stand trial
39 pursuant to this section.

1 (viii) The clerk of the court shall notify the Department of
2 Justice, in writing, of a finding of mental incompetence with respect
3 to a defendant who is subject to clause (iii) or (iv) for inclusion in
4 the defendant's state summary criminal history information.

5 (D) If at any time after the finding of mental incompetence, but
6 before the defendant begins treatment in a program or facility to
7 promote the defendant's speedy restoration of mental competence
8 pursuant to this section, there is a change in circumstance that
9 affects the likelihood that the defendant will be able to be attain
10 competence, either party may instead petition the court to proceed
11 in accordance with subdivision (b).

12 (E) Upon the filing of a certificate of restoration to competence,
13 the court shall order that the defendant be returned to court in
14 accordance with Section 1372. The court shall transmit a copy of
15 its order to the community program director or a designee.

16 (F) A defendant charged with a violent felony may not be
17 delivered to a State Department of State Hospitals facility or
18 treatment facility pursuant to this subdivision unless the State
19 Department of State Hospitals facility or treatment facility has a
20 secured perimeter or a locked and controlled treatment facility,
21 and the judge determines that the public safety will be protected.

22 (G) For purposes of this paragraph, "violent felony" means an
23 offense specified in subdivision (c) of Section 667.5.

24 (H) A defendant charged with a violent felony may be placed
25 on outpatient status, as specified in Section 1600, only if the court
26 finds that the placement will not pose a danger to the health or
27 safety of others. If the court places a defendant charged with a
28 violent felony on outpatient status, as specified in Section 1600,
29 the court shall serve copies of the placement order on defense
30 counsel, the sheriff in the county where the defendant will be
31 placed, and the district attorney for the county in which the violent
32 felony charges are pending against the defendant.

33 (I) If, at any time after the court has declared a defendant
34 incompetent to stand trial pursuant to this section, counsel for the
35 defendant or a jail medical or mental health staff provider provides
36 the court with substantial evidence that the defendant's psychiatric
37 symptoms have changed to such a degree as to create a doubt in
38 the mind of the judge as to the defendant's current mental
39 incompetence, the court may appoint a psychiatrist or a licensed
40 psychologist to opine as to whether the defendant has attained

1 competence. If, in the opinion of that expert, the defendant has
2 attained competence, the court shall proceed as if a certificate of
3 restoration of competence has been returned pursuant to paragraph
4 (1) of subdivision (a) of Section 1372.

5 (J) (i) The State Department of State Hospitals may, pursuant
6 to Section 4335.2 of the Welfare and Institutions Code, conduct
7 an evaluation of the defendant in county custody to determine any
8 of the following:

9 (I) The defendant has attained competence.

10 (II) There is no substantial likelihood that the defendant will
11 attain competence in the foreseeable future.

12 (III) The defendant should be referred to the county for further
13 evaluation for potential participation in a county diversion program,
14 if one exists, or to another outpatient treatment program.

15 (ii) If, in the opinion of the department's expert, the defendant
16 has attained competence, the court shall proceed as if a certificate
17 of restoration of competence has been returned pursuant to
18 paragraph (1) of subdivision (a) of Section 1372.

19 (iii) If, in the opinion of the department's expert, there is no
20 substantial likelihood that the defendant will attain mental
21 competence in the foreseeable future, the committing court shall
22 proceed pursuant to paragraph (3) of subdivision (c) no later than
23 10 days following receipt of the report.

24 (2) Prior to making the order directing that the defendant be
25 committed to the State Department of State Hospitals or other
26 treatment facility or placed on outpatient status, the court shall
27 proceed as follows:

28 (A) (i) The court shall order the community program director
29 or a designee to evaluate the defendant and to submit to the court
30 within 15 judicial days of the order a written recommendation as
31 to whether the defendant should be required to undergo outpatient
32 treatment, or be committed to the State Department of State
33 Hospitals or to any other treatment facility. A person shall not be
34 admitted to a State Department of State Hospitals facility or other
35 treatment facility or placed on outpatient status under this section
36 without having been evaluated by the community program director
37 or a designee. The community program director or designee shall
38 evaluate the appropriate placement for the defendant between a
39 State Department of State Hospitals facility or the

1 community-based residential treatment system based upon
2 guidelines provided by the State Department of State Hospitals.

3 (ii) A defendant shall first be considered for placement in an
4 outpatient treatment program, a community treatment program, or
5 a diversion program, if any such program is available, unless a
6 court, based upon the recommendation of the community program
7 director or their designee, finds that either the clinical needs of the
8 defendant or the risk to community safety, warrant placement in
9 a State Department of State Hospitals facility.

10 (B) The court shall hear and determine whether the defendant
11 lacks the capacity to make decisions regarding the administration
12 of antipsychotic medication. The court shall consider opinions in
13 the reports prepared pursuant to subdivision (b) of Section 1369,
14 as applicable to the issue of whether the defendant lacks the
15 capacity to make decisions regarding the administration of
16 antipsychotic medication, and shall proceed as follows:

17 (i) The court shall hear and determine whether any of the
18 following is true:

19 (I) Based upon the opinion of the psychiatrist or licensed
20 psychologist offered to the court pursuant to subdivision (b) of
21 Section 1369, the defendant lacks the capacity to make decisions
22 regarding antipsychotic medication, the defendant's mental disorder
23 requires medical treatment with antipsychotic medication, and, if
24 the defendant's mental disorder is not treated with antipsychotic
25 medication, it is probable that serious harm to the physical or
26 mental health of the defendant will result. Probability of serious
27 harm to the physical or mental health of the defendant requires
28 evidence that the defendant is presently suffering adverse effects
29 to their physical or mental health, or the defendant has previously
30 suffered these effects as a result of a mental disorder and their
31 condition is substantially deteriorating. The fact that a defendant
32 has a diagnosis of a mental disorder does not alone establish
33 probability of serious harm to the physical or mental health of the
34 defendant.

35 (II) Based upon the opinion of the psychiatrist or licensed
36 psychologist offered to the court pursuant to subdivision (b) of
37 Section 1369, the defendant is a danger to others, in that the
38 defendant has inflicted, attempted to inflict, or made a serious
39 threat of inflicting substantial physical harm on another while in
40 custody, or the defendant had inflicted, attempted to inflict, or

1 made a serious threat of inflicting substantial physical harm on
2 another that resulted in the defendant being taken into custody,
3 and the defendant presents, as a result of mental disorder or mental
4 defect, a demonstrated danger of inflicting substantial physical
5 harm on others. Demonstrated danger may be based on an
6 assessment of the defendant's present mental condition, including
7 a consideration of past behavior of the defendant within six years
8 prior to the time the defendant last attempted to inflict, inflicted,
9 or threatened to inflict substantial physical harm on another, and
10 other relevant evidence.

11 (III) The people have charged the defendant with a serious crime
12 against the person or property, and based upon the opinion of the
13 psychiatrist offered to the court pursuant to subdivision (b) of
14 Section 1369, the involuntary administration of antipsychotic
15 medication is substantially likely to render the defendant competent
16 to stand trial, the medication is unlikely to have side effects that
17 interfere with the defendant's ability to understand the nature of
18 the criminal proceedings or to assist counsel in the conduct of a
19 defense in a reasonable manner, less intrusive treatments are
20 unlikely to have substantially the same results, and antipsychotic
21 medication is medically necessary and appropriate in light of their
22 medical condition.

23 (ii) (I) If the court finds the conditions described in subclause
24 (I) or (II) of clause (i) to be true, and if pursuant to the opinion
25 offered to the court pursuant to subdivision (b) of Section 1369, a
26 psychiatrist has opined that treatment with antipsychotic
27 medications is appropriate for the defendant, the court shall issue
28 an order authorizing the administration of antipsychotic medication
29 as needed, including on an involuntary basis, to be administered
30 under the direction and supervision of a licensed psychiatrist.

31 (II) If the court finds the conditions described in subclause (I)
32 or (II) of clause (i) to be true, and if pursuant to the opinion offered
33 to the court pursuant subdivision (b) of Section 1369, a licensed
34 psychologist has opined that treatment with antipsychotic
35 medication may be appropriate for the defendant, the court shall
36 issue an order authorizing treatment by a licensed psychiatrist on
37 an involuntary basis. That treatment may include the administration
38 of antipsychotic medication as needed, to be administered under
39 the direction and supervision of a licensed psychiatrist.

1 (III) If the court finds the conditions described in subclause (III)
2 of clause (i) to be true, and if pursuant to the opinion offered to
3 the court pursuant to subdivision (b) of Section 1369, a psychiatrist
4 has opined that it is appropriate to treat the defendant with
5 antipsychotic medication, the court shall issue an order authorizing
6 the administration of antipsychotic medication as needed, including
7 on an involuntary basis, to be administered under the direction and
8 supervision of a licensed psychiatrist.

9 (iii) An order authorizing involuntary administration of
10 antipsychotic medication to the defendant when and as prescribed
11 by the defendant's treating psychiatrist at any facility housing the
12 defendant for purposes of this chapter, including a county jail,
13 shall remain in effect when the defendant returns to county custody
14 pursuant to subparagraph (A) of paragraph (1) of subdivision (b)
15 or paragraph (1) of subdivision (c), or pursuant to subparagraph
16 (C) of paragraph (3) of subdivision (a) of Section 1372, but shall
17 be valid for no more than one year, pursuant to subparagraph (A)
18 of paragraph (7). The court shall not order involuntary
19 administration of psychotropic medication under subclause (III)
20 of clause (i) unless the court has first found that the defendant does
21 not meet the criteria for involuntary administration of psychotropic
22 medication under subclause (I) of clause (i) and does not meet the
23 criteria under subclause (II) of clause (i).

24 (iv) In all cases, the treating hospital, county jail, facility, or
25 program may administer medically appropriate antipsychotic
26 medication prescribed by a psychiatrist in an emergency as
27 described in subdivision (m) of Section 5008 of the Welfare and
28 Institutions Code.

29 (v) If the court has determined that the defendant has the
30 capacity to make decisions regarding antipsychotic medication,
31 and if the defendant, with advice of their counsel, consents, the
32 court order of commitment shall include confirmation that
33 antipsychotic medication may be given to the defendant as
34 prescribed by a treating psychiatrist pursuant to the defendant's
35 consent. The commitment order shall also indicate that, if the
36 defendant withdraws consent for antipsychotic medication, after
37 the treating psychiatrist complies with the provisions of
38 subparagraph (C), the defendant shall be returned to court for a
39 hearing in accordance with subparagraphs (C) and (D) regarding

1 whether antipsychotic medication shall be administered
2 involuntarily.

3 (vi) If the court has determined that the defendant has the
4 capacity to make decisions regarding antipsychotic medication
5 and if the defendant, with advice from their counsel, does not
6 consent, the court order for commitment shall indicate that, after
7 the treating psychiatrist complies with the provisions of
8 subparagraph (C), the defendant shall be returned to court for a
9 hearing in accordance with subparagraphs (C) and (D) regarding
10 whether antipsychotic medication shall be administered
11 involuntarily.

12 (vii) A report made pursuant to paragraph (1) of subdivision (b)
13 shall include a description of antipsychotic medication administered
14 to the defendant and its effects and side effects, including effects
15 on the defendant's appearance or behavior that would affect the
16 defendant's ability to understand the nature of the criminal
17 proceedings or to assist counsel in the conduct of a defense in a
18 reasonable manner. During the time the defendant is confined in
19 a State Department of State Hospitals facility or other treatment
20 facility or placed on outpatient status, either the defendant or the
21 people may request that the court review any order made pursuant
22 to this subdivision. The defendant, to the same extent enjoyed by
23 other patients in the State Department of State Hospitals facility
24 or other treatment facility, shall have the right to contact the
25 patients' rights advocate regarding the defendant's rights under
26 this section.

27 (C) If the defendant consented to antipsychotic medication as
28 described in clause (iv) of subparagraph (B), but subsequently
29 withdraws their consent, or, if involuntary antipsychotic medication
30 was not ordered pursuant to clause (v) of subparagraph (B), and
31 the treating psychiatrist determines that antipsychotic medication
32 has become medically necessary and appropriate, the treating
33 psychiatrist shall make efforts to obtain informed consent from
34 the defendant for antipsychotic medication. If informed consent
35 is not obtained from the defendant, and the treating psychiatrist is
36 of the opinion that the defendant lacks the capacity to make
37 decisions regarding antipsychotic medication based on the
38 conditions described in subclause (I) or (II) of clause (i) of
39 subparagraph (B), the treating psychiatrist shall certify whether
40 the lack of capacity and any applicable conditions described above

1 exist. That certification shall contain an assessment of the current
2 mental status of the defendant and the opinion of the treating
3 psychiatrist that involuntary antipsychotic medication has become
4 medically necessary and appropriate.

5 (D) (i) If the treating psychiatrist certifies that antipsychotic
6 medication has become medically necessary and appropriate
7 pursuant to subparagraph (C), antipsychotic medication may be
8 administered to the defendant for not more than 21 days, provided,
9 however, that, within 72 hours of the certification, the defendant
10 is provided a medication review hearing before an administrative
11 law judge to be conducted at the facility where the defendant is
12 receiving treatment. The treating psychiatrist shall present the case
13 for the certification for involuntary treatment and the defendant
14 shall be represented by an attorney or a patients' rights advocate.
15 The attorney or patients' rights advocate shall be appointed to meet
16 with the defendant no later than one day prior to the medication
17 review hearing to review the defendant's rights at the medication
18 review hearing, discuss the process, answer questions or concerns
19 regarding involuntary medication or the hearing, assist the
20 defendant in preparing for the hearing and advocating for the
21 defendant's interests at the hearing, review the panel's final
22 determination following the hearing, advise the defendant of their
23 right to judicial review of the panel's decision, and provide the
24 defendant with referral information for legal advice on the subject.
25 The defendant shall also have the following rights with respect to
26 the medication review hearing:

- 27 (I) To be given timely access to the defendant's records.
- 28 (II) To be present at the hearing, unless the defendant waives
29 that right.
- 30 (III) To present evidence at the hearing.
- 31 (IV) To question persons presenting evidence supporting
32 involuntary medication.
- 33 (V) To make reasonable requests for attendance of witnesses
34 on the defendant's behalf.
- 35 (VI) To a hearing conducted in an impartial and informal
36 manner.
- 37 (ii) If the administrative law judge determines that the defendant
38 either meets the criteria specified in subclause (I) of clause (i) of
39 subparagraph (B), or meets the criteria specified in subclause (II)
40 of clause (i) of subparagraph (B), antipsychotic medication may

1 continue to be administered to the defendant for the 21-day
2 certification period. Concurrently with the treating psychiatrist's
3 certification, the treating psychiatrist shall file a copy of the
4 certification and a petition with the court for issuance of an order
5 to administer antipsychotic medication beyond the 21-day
6 certification period. For purposes of this subparagraph, the treating
7 psychiatrist shall not be required to pay or deposit any fee for the
8 filing of the petition or other document or paper related to the
9 petition.

10 (iii) If the administrative law judge disagrees with the
11 certification, medication may not be administered involuntarily
12 until the court determines that antipsychotic medication should be
13 administered pursuant to this section.

14 (iv) The court shall provide notice to the prosecuting attorney
15 and to the attorney representing the defendant, and shall hold a
16 hearing, no later than 18 days from the date of the certification, to
17 determine whether antipsychotic medication should be ordered
18 beyond the certification period.

19 (v) If, as a result of the hearing, the court determines that
20 antipsychotic medication should be administered beyond the
21 certification period, the court shall issue an order authorizing the
22 administration of that medication.

23 (vi) The court shall render its decision on the petition and issue
24 its order no later than three calendar days after the hearing and, in
25 any event, no later than the expiration of the 21-day certification
26 period.

27 (vii) If the administrative law judge upholds the certification
28 pursuant to clause (ii), the court may, for a period not to exceed
29 14 days, extend the certification and continue the hearing pursuant
30 to stipulation between the parties or upon a finding of good cause.
31 In determining good cause, the court may review the petition filed
32 with the court, the administrative law judge's order, and any
33 additional testimony needed by the court to determine if it is
34 appropriate to continue medication beyond the 21-day certification
35 and for a period of up to 14 days.

36 (viii) The district attorney, county counsel, or representative of
37 a facility where a defendant found incompetent to stand trial is
38 committed may petition the court for an order to administer
39 involuntary medication pursuant to the criteria set forth in

1 subclauses (II) and (III) of clause (i) of subparagraph (B). The
2 order is reviewable as provided in paragraph (7).

3 (3) (A) When the court orders that the defendant be committed
4 to a State Department of State Hospitals facility or other public or
5 private treatment facility, the court shall provide copies of the
6 following documents prior to the admission of the defendant to
7 the State Department of State Hospitals or other treatment facility
8 where the defendant is to be committed:

9 (i) The commitment order, which shall include a specification
10 of the charges, an assessment of whether involuntary treatment
11 with antipsychotic medications is warranted, and any orders by
12 the court, pursuant to subparagraph (B) of paragraph (2),
13 authorizing involuntary treatment with antipsychotic medications.

14 (ii) A computation or statement setting forth the maximum term
15 of commitment in accordance with subdivision (c).

16 (iii) (I) A computation or statement setting forth the amount of
17 credit for time served, if any, to be deducted from the maximum
18 term of commitment.

19 (II) If a certificate of restoration of competency was filed with
20 the court pursuant to Section 1372 and the court subsequently
21 rejected the certification, a copy of the court order or minute order
22 rejecting the certification shall be provided. The court order shall
23 include a new computation or statement setting forth the amount
24 of credit for time served, if any, to be deducted from the
25 defendant's maximum term of commitment based on the court's
26 rejection of the certification.

27 (iv) State summary criminal history information.

28 (v) Jail classification records for the defendant's current
29 incarceration.

30 (vi) Arrest reports prepared by the police department or other
31 law enforcement agency.

32 (vii) Court-ordered psychiatric examination or evaluation
33 reports.

34 (viii) The community program director's placement
35 recommendation report.

36 (ix) Records of a finding of mental incompetence pursuant to
37 this chapter arising out of a complaint charging a felony offense
38 specified in Section 290 or a pending Section 1368 proceeding
39 arising out of a charge of a Section 290 offense.

40 (x) Medical records, including jail mental health records.

(B) If a defendant is committed to a State Department of State Hospitals facility, and the department determines that additional medical or mental health treatment records are needed for continuity of care, any private or public entity holding medical or mental health treatment records of that defendant shall release those records upon receiving a written request from the State Department of State Hospitals within 10 calendar days after the request. The private or public entity holding the medical or mental health treatment records shall comply with all applicable federal and state privacy laws prior to disclosure. The State Department of State Hospitals shall not release records obtained during the admission process under this subdivision, pursuant to Section 1798.68 of the Civil Code, or subdivision (b) of Section 5328 of the Welfare and Institutions Code.

(4) When the defendant is committed to a treatment facility pursuant to clause (i) of subparagraph (B) of paragraph (1) or the court makes the findings specified in clause (iii) or (iv) of subparagraph (B) of paragraph (1) to assign the defendant to a treatment facility other than a State Department of State Hospitals facility or other secure treatment facility, the court shall order that notice be given to the appropriate law enforcement agency or agencies having local jurisdiction at the placement facility of a finding of mental incompetence pursuant to this chapter arising out of a charge of a Section 290 offense.

(5) When directing that the defendant be confined in a State Department of State Hospitals facility pursuant to this subdivision, the court shall commit the defendant to the State Department of State Hospitals.

(6) (A) If the defendant is committed or transferred to the State Department of State Hospitals pursuant to this section, the court may, upon receiving the written recommendation of the medical director of the State Department of State Hospitals facility and the community program director that the defendant be transferred to a public or private treatment facility approved by the community program director, order the defendant transferred to that facility. If the defendant is committed or transferred to a public or private treatment facility approved by the community program director, the court may, upon receiving the written recommendation of the community program director, transfer the defendant to the State Department of State Hospitals or to another public or private

1 treatment facility approved by the community program director.
2 In the event of dismissal of the criminal charges before the
3 defendant recovers competence, the person shall be subject to the
4 applicable provisions of the Lanterman-Petris-Short Act (Part 1
5 (commencing with Section 5000) of Division 5 of the Welfare and
6 Institutions Code). If either the defendant or the prosecutor chooses
7 to contest either kind of order of transfer, a petition may be filed
8 in the court for a hearing, which shall be held if the court
9 determines that sufficient grounds exist. At the hearing, the
10 prosecuting attorney or the defendant may present evidence bearing
11 on the order of transfer. The court shall use the same standards as
12 are used in conducting probation revocation hearings pursuant to
13 Section 1203.2.

14 Prior to making an order for transfer under this section, the court
15 shall notify the defendant, the attorney of record for the defendant,
16 the prosecuting attorney, and the community program director or
17 a designee.

18 (B) If the defendant is initially committed to a State Department
19 of State Hospitals facility or secure treatment facility pursuant to
20 clause (iii) or (iv) of subparagraph (B) of paragraph (1) and is
21 subsequently transferred to any other facility, copies of the
22 documents specified in paragraph (3) shall be electronically
23 transferred or taken with the defendant to each subsequent facility
24 to which the defendant is transferred. The transferring facility shall
25 also notify the appropriate law enforcement agency or agencies
26 having local jurisdiction at the site of the new facility that the
27 defendant is a person subject to clause (iii) or (iv) of subparagraph
28 (B) of paragraph (1).

29 (7) (A) An order by the court authorizing involuntary
30 medication of the defendant shall be valid for no more than one
31 year. The court shall review the order at the time of the review of
32 the initial report and the six-month progress reports pursuant to
33 paragraph (1) of subdivision (b) to determine if the grounds for
34 the authorization remain. In the review, the court shall consider
35 the reports of the treating psychiatrist or psychiatrists and the
36 defendant's patients' rights advocate or attorney. The court may
37 require testimony from the treating psychiatrist and the patients'
38 rights advocate or attorney, if necessary. The court may continue
39 the order authorizing involuntary medication for up to another six
40 months, or vacate the order, or make any other appropriate order.

(B) Within 60 days before the expiration of the one-year involuntary medication order, the district attorney, county counsel, or representative of any facility where a defendant found incompetent to stand trial is committed may petition the committing court for a renewal, subject to the same conditions and requirements as in subparagraph (A). The petition shall include the basis for involuntary medication set forth in clause (i) of subparagraph (B) of paragraph (2). Notice of the petition shall be provided to the defendant, the defendant's attorney, and the district attorney. The court shall hear and determine whether the defendant continues to meet the criteria set forth in clause (i) of subparagraph (B) of paragraph (2). The hearing on a petition to renew an order for involuntary medication shall be conducted prior to the expiration of the current order.

(8) For purposes of subparagraph (D) of paragraph (2) and paragraph (7), if the treating psychiatrist determines that there is a need, based on preserving their rapport with the defendant or preventing harm, the treating psychiatrist may request that the facility medical director designate another psychiatrist to act in the place of the treating psychiatrist. If the medical director of the facility designates another psychiatrist to act pursuant to this paragraph, the treating psychiatrist shall brief the acting psychiatrist of the relevant facts of the case and the acting psychiatrist shall examine the defendant prior to the hearing.

(b) (1) Within 90 days after a commitment made pursuant to subdivision (a), the medical director of the State Department of State Hospitals facility or other treatment facility to which the defendant is confined shall make a written report to the court and the community program director for the county or region of commitment, or a designee, concerning the defendant's progress toward recovery of mental competence and whether the administration of antipsychotic medication remains necessary.

If the defendant is in county custody, the county jail shall provide access to the defendant for purposes of the State Department of State Hospitals conducting an evaluation of the defendant pursuant to Section 4335.2 of the Welfare and Institutions Code. Based upon this evaluation, the State Department of State Hospitals may make a written report to the court within 90 days of a commitment made pursuant to subdivision (a) concerning the defendant's progress toward recovery of mental competence and whether the

1 administration of antipsychotic medication is necessary. If the
2 defendant remains in county custody after the initial 90-day report,
3 the State Department of State Hospitals may conduct an evaluation
4 of the defendant pursuant to Section 4335.2 of the Welfare and
5 Institutions Code and make a written report to the court concerning
6 the defendant's progress toward recovery of mental competence
7 and whether the administration of antipsychotic medication is
8 necessary.

9 If the defendant is on outpatient status, the outpatient treatment
10 staff shall make a written report to the community program director
11 concerning the defendant's progress toward recovery of mental
12 competence. Within 90 days of placement on outpatient status, the
13 community program director shall report to the court on this matter.
14 If the defendant has not recovered mental competence, but the
15 report discloses a substantial likelihood that the defendant will
16 attain mental competence in the foreseeable future, the defendant
17 shall remain in the State Department of State Hospitals facility or
18 other treatment facility or on outpatient status. Thereafter, at
19 six-month intervals or until the defendant becomes mentally
20 competent, if the defendant is confined in a treatment facility, the
21 medical director of the State Department of State Hospitals facility
22 or person in charge of the facility shall report, in writing, to the
23 court and the community program director or a designee regarding
24 the defendant's progress toward recovery of mental competence
25 and whether the administration of antipsychotic medication remains
26 necessary. If the defendant is on outpatient status, after the initial
27 90-day report, the outpatient treatment staff shall report to the
28 community program director on the defendant's progress toward
29 recovery, and the community program director shall report to the
30 court on this matter at six-month intervals. A copy of these reports
31 shall be provided to the prosecutor and defense counsel by the
32 court.

33 (A) If the report indicates that there is no substantial likelihood
34 that the defendant will attain mental competence in the foreseeable
35 future, custody of the defendant shall be transferred without delay
36 to the committing county and shall remain with the county until
37 further order of the court. The defendant shall be returned to the
38 court for proceedings pursuant to paragraph (3) of subdivision (c)
39 no later than 10 days following receipt of the report. The court
40 shall not order the defendant returned to the custody of the State

1 Department of State Hospitals under the same commitment. The
2 court shall transmit a copy of its order to the community program
3 director or a designee.

4 (B) If the report indicates that there is no substantial likelihood
5 that the defendant will attain mental competence in the foreseeable
6 future, the medical director of the State Department of State
7 Hospitals facility or other treatment facility to which the defendant
8 is confined shall do both of the following:

9 (i) Promptly notify and provide a copy of the report to the
10 defense counsel and the district attorney.

11 (ii) Provide a separate notification, in compliance with
12 applicable privacy laws, to the committing county's sheriff that
13 immediate transportation will be needed for the defendant pursuant
14 to subparagraph (A).

15 (C) If a county does not take custody of a defendant committed
16 to the State Department of State Hospitals within 10 calendar days
17 following notification made pursuant to clause (ii) of subparagraph
18 (B), the county shall be charged the daily rate for a state hospital
19 bed, as established by the State Department of State Hospitals.

20 (2) The reports made pursuant to paragraph (1) concerning the
21 defendant's progress toward attaining competency shall also
22 consider the issue of involuntary medication. Each report shall
23 include, but not be limited to, all of the following:

24 (A) Whether or not the defendant has the capacity to make
25 decisions concerning antipsychotic medication.

26 (B) If the defendant lacks the capacity to make decisions
27 concerning antipsychotic medication, whether the defendant risks
28 serious harm to their physical or mental health if not treated with
29 antipsychotic medication.

30 (C) Whether or not the defendant presents a danger to others if
31 the defendant is not treated with antipsychotic medication.

32 (D) Whether the defendant has a mental disorder for which
33 medications are the only effective treatment.

34 (E) Whether there are any side effects from the medication
35 currently being experienced by the defendant that would interfere
36 with the defendant's ability to collaborate with counsel.

37 (F) Whether there are any effective alternatives to medication.

38 (G) How quickly the medication is likely to bring the defendant
39 to competency.

1 (H) Whether the treatment plan includes methods other than
2 medication to restore the defendant to competency.

3 (I) A statement, if applicable, that no medication is likely to
4 restore the defendant to competency.

5 (3) After reviewing the reports, the court shall determine if
6 grounds for the involuntary administration of antipsychotic
7 medication exist, whether or not an order was issued at the time
8 of commitment, and shall do one of the following:

9 (A) If the original grounds for involuntary medication still exist,
10 any order authorizing the treating facility to involuntarily
11 administer antipsychotic medication to the defendant shall remain
12 in effect.

13 (B) If the original grounds for involuntary medication no longer
14 exist, and there is no other basis for involuntary administration of
15 antipsychotic medication, any order for the involuntary
16 administration of antipsychotic medication shall be vacated.

17 (C) If the original grounds for involuntary medication no longer
18 exist, and the report states that there is another basis for involuntary
19 administration of antipsychotic medication, the court shall
20 determine whether to vacate the order or issue a new order for the
21 involuntary administration of antipsychotic medication. The court
22 shall consider the opinions in reports submitted pursuant to
23 paragraph (1), including any opinions rendered pursuant to Section
24 4335.2 of the Welfare and Institutions Code. The court may, upon
25 a showing of good cause, set a hearing within 21 days to determine
26 whether the order for the involuntary administration of
27 antipsychotic medication shall be vacated or whether a new order
28 for the involuntary administration of antipsychotic medication
29 shall be issued. The hearing shall proceed as set forth in
30 subparagraph (B) of paragraph (2) of subdivision (a). The court
31 shall require witness testimony to occur remotely, including clinical
32 testimony pursuant to subdivision (d) of Section 4335.2 of the
33 Welfare and Institutions Code. In-person witness testimony shall
34 only be allowed upon a court's finding of good cause.

35 (D) If the report states a basis for involuntary administration of
36 antipsychotic medication and the court did not issue such order at
37 the time of commitment, the court shall determine whether to issue
38 an order for the involuntary administration of antipsychotic
39 medication. The court shall consider the opinions in reports
40 submitted pursuant to paragraph (1), including any opinions

1 rendered pursuant to Section 4335.2 of the Welfare and Institutions
2 Code. The court may, upon a finding of good cause, set a hearing
3 within 21 days to determine whether an order for the involuntary
4 administration of antipsychotic medication shall be issued. The
5 hearing shall proceed as set forth in subparagraph (B) of paragraph
6 (2) of subdivision (a). The court shall require witness testimony
7 to occur remotely, including clinical testimony pursuant to
8 subdivision (d) of Section 4335.2 of the Welfare and Institutions
9 Code. In-person witness testimony shall only be allowed upon a
10 court's finding of good cause.

11 (E) This paragraph also applies to recommendations submitted
12 pursuant to subdivision (e) of Section 1372, when a
13 recommendation is included as to whether an order for the
14 involuntary administration of antipsychotic medications should
15 be extended or issued.

16 (4) If it is determined by the court that treatment for the
17 defendant's mental impairment is not being conducted, the
18 defendant shall be returned to the committing court, and, if the
19 defendant is not in county custody, returned to the custody of the
20 county. The court shall transmit a copy of its order to the
21 community program director or a designee.

22 (5) At each review by the court specified in this subdivision,
23 the court shall determine if the security level of housing and
24 treatment is appropriate and may make an order in accordance
25 with its determination. If the court determines that the defendant
26 shall continue to be treated in the State Department of State
27 Hospitals facility or on an outpatient basis, the court shall
28 determine issues concerning administration of antipsychotic
29 medication, as set forth in subparagraph (B) of paragraph (2) of
30 subdivision (a).

31 (c) (1) At the end of two years from the date of commitment
32 or a period of commitment equal to the maximum term of
33 imprisonment provided by law for the most serious offense charged
34 in the information, indictment, or complaint, or the maximum term
35 of imprisonment provided by law for a violation of probation or
36 mandatory supervision, whichever is shorter, but no later than 90
37 days prior to the expiration of the defendant's term of commitment,
38 a defendant who has not recovered mental competence shall be
39 returned to the committing court, and custody of the defendant
40 shall be transferred without delay to the committing county and

1 shall remain with the county until further order of the court. The
2 court shall not order the defendant returned to the custody of the
3 State Department of State Hospitals under the same commitment.
4 The court shall notify the community program director or a
5 designee of the return and of any resulting court orders. The
6 maximum term of commitment applies to the aggregate of all
7 previous commitments.

8 (2) (A) The medical director of the State Department of State
9 Hospitals facility or other treatment facility to which the defendant
10 is confined shall provide notification, in compliance with applicable
11 privacy laws, to the committing county's sheriff that immediate
12 transportation will be needed for the defendant pursuant to
13 paragraph (1).

14 (B) If a county does not take custody of a defendant committed
15 to the State Department of State Hospitals within 10 calendar days
16 following notification pursuant to subparagraph (A), the county
17 shall be charged the daily rate for a state hospital bed, as
18 established by the State Department of State Hospitals.

19 (3) Whenever a defendant is returned to the court pursuant to
20 paragraph (1) of this subdivision, subparagraph (D) of paragraph
21 (1) of subdivision (a), or paragraph (1) or (4) of subdivision (b),
22 and it appears to the court that the defendant is gravely disabled,
23 as defined in subparagraph (A) or (B) of paragraph (1) of
24 subdivision (h) of Section 5008 of the Welfare and Institutions
25 Code, the court shall order the conservatorship investigator of the
26 county of commitment of the defendant to initiate conservatorship
27 proceedings for the defendant pursuant to Chapter 3 (commencing
28 with Section 5350) of Part 1 of Division 5 of the Welfare and
29 Institutions Code. Hearings required in the conservatorship
30 proceedings shall be held in the superior court in the county that
31 ordered the commitment. The court shall transmit a copy of the
32 order directing initiation of conservatorship proceedings to the
33 community program director or a designee, the sheriff and the
34 district attorney of the county in which criminal charges are
35 pending, and the defendant's counsel of record. The court shall
36 notify the community program director or a designee, the sheriff
37 and district attorney of the county in which criminal charges are
38 pending, and the defendant's counsel of record of the outcome of
39 the conservatorship proceedings.

(4) If a defendant is returned to court pursuant to paragraph (1) of this subdivision, subparagraph (D) of paragraph (1) of subdivision (a), or paragraph (1) or (4) of subdivision (b), and the prosecution elects to dismiss and refile charges pursuant to Section 1387, the court shall presume that the defendant is incompetent unless the court is presented with relevant and credible evidence that the defendant is competent. This evidence may include medical records, witness statements, or reports by qualified medical experts. If the court is satisfied that it has received substantial evidence that the defendant is competent, the court shall proceed as provided in Section 1369. Otherwise, the court shall find that the defendant is not mentally competent to stand trial and shall proceed as provided in paragraphs (1) and (3). The court shall not order the defendant returned to the custody of the State Department of State Hospitals for the purpose of restoration of competency.

(5) If a change in placement is proposed for a defendant who is committed pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code, the court shall provide notice and an opportunity to be heard with respect to the proposed placement of the defendant to the sheriff and the district attorney of the county in which the criminal charges or revocation proceedings are pending.

(6) If the defendant is confined in a treatment facility, a copy of any report to the committing court regarding the defendant's progress toward recovery of mental competence shall be provided by the committing court to the prosecutor and to the defense counsel.

(d) With the exception of proceedings alleging a violation of mandatory supervision, or in those instances where the defendant has been placed under a conservatorship pursuant to subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code, the criminal action remains subject to dismissal pursuant to Section 1385. If the criminal action is dismissed, the court shall transmit a copy of the order of dismissal to the community program director or a designee. In a proceeding alleging a violation of mandatory supervision, if the person is not placed under a conservatorship as described in paragraph (3) of subdivision (c), or if a conservatorship is terminated, the court shall reinstate mandatory supervision and may modify the terms and conditions of supervision to include appropriate mental health

1 treatment or refer the matter to a local mental health court, reentry
2 court, or other collaborative justice court available for improving
3 the mental health of the defendant.

4 (e) If the criminal action against the defendant is dismissed, the
5 defendant shall be released from commitment ordered under this
6 section, but without prejudice to the initiation of proceedings that
7 may be appropriate under the Lanterman-Petris-Short Act (Part 1
8 (commencing with Section 5000) of Division 5 of the Welfare and
9 Institutions Code).

10 (f) As used in this chapter, “community program director” means
11 the person, agency, or entity designated by the State Department
12 of State Hospitals pursuant to Section 1605 of this code and Section
13 4360 of the Welfare and Institutions Code.

14 (g) For the purpose of this section, “secure treatment facility”
15 does not include, except for State Department of State Hospitals
16 facilities, state developmental centers, and correctional treatment
17 facilities, any facility licensed pursuant to Chapter 2 (commencing
18 with Section 1250) of, Chapter 3 (commencing with Section 1500)
19 of, or Chapter 3.2 (commencing with Section 1569) of, Division
20 2 of the Health and Safety Code, or any community board and care
21 facility.

22 (h) This section does not preclude a defendant from filing a
23 petition for habeas corpus to challenge the continuing validity of
24 an order authorizing a treatment facility or outpatient program to
25 involuntarily administer antipsychotic medication to a person being
26 treated as incompetent to stand trial.

27 ~~SEC. 28.~~

28 *SEC. 27.* Section 1370.01 of the Penal Code is amended to
29 read:

30 1370.01. (a) If the defendant is found mentally competent, the
31 criminal process shall resume, and the trial on the offense charged
32 or hearing on the alleged violation shall proceed.

33 (b) (1) (A) If the defendant is found mentally incompetent, the
34 trial, judgment, or hearing on the alleged violation shall be
35 suspended and the court shall conduct a hearing, pursuant to
36 Chapter 2.8A (commencing with Section 1001.35) of Title 6, and,
37 if the court deems the defendant eligible, grant diversion pursuant
38 to Section 1001.36 for a period not to exceed one year from the
39 date the individual is accepted into diversion or the maximum term

1 of imprisonment provided by law for the most serious offense
2 charged in the misdemeanor complaint, whichever is shorter.

3 (B) Notwithstanding any other law, including Section 23640 of
4 the Vehicle Code, a misdemeanor offense for which a defendant
5 may be placed in a mental health diversion program in accordance
6 with this section includes a misdemeanor violation of Section
7 23152 or 23153 of the Vehicle Code. However, this section does
8 not limit the authority of the Department of Motor Vehicles to take
9 administrative action concerning the driving privileges of a person
10 arrested for a violation of Section 23152 or 23153 of the Vehicle
11 Code.

12 (2) The hearing shall be held no later than 30 days after the
13 finding of incompetence. If the hearing is delayed beyond 30 days,
14 the court shall order the defendant to be released on their own
15 recognizance pending the hearing.

16 (3) If the defendant performs satisfactorily on diversion pursuant
17 to this section, at the end of the period of diversion, the court shall
18 dismiss the criminal charges that were the subject of the criminal
19 proceedings at the time of the initial diversion.

20 (4) If the court finds the defendant ineligible or unsuitable for
21 diversion pursuant to subdivision (b), (c), or (d) of Section 1001.36
22 or if any of the conditions described in subdivision (g) of Section
23 1001.36 are present, the court shall, after notice to the defendant,
24 defense counsel, and the prosecution, hold a hearing to determine
25 which one of the following actions the court will take:

26 (A) Order modification of an existing mental health diversion
27 treatment plan in accordance with a recommendation from the
28 treatment provider.

29 (B) Refer the defendant to assisted outpatient treatment pursuant
30 to Section 5346 of the Welfare and Institutions Code. A referral
31 to assisted outpatient treatment may only occur in a county where
32 services are available pursuant to Section 5348 of the Welfare and
33 Institutions Code, and the agency agrees to accept responsibility
34 for treatment of the defendant. A hearing to determine eligibility
35 for assisted outpatient treatment shall be held within 45 days after
36 the finding of incompetency. If the hearing is delayed beyond 45
37 days, the court shall order the defendant, if confined in county jail,
38 to be released on their own recognizance pending that hearing. If
39 the defendant is accepted into assisted outpatient treatment, the
40 charges shall be dismissed pursuant to Section 1385 six months

1 after the date of the referral to assisted outpatient treatment, unless
2 the defendant's case has been referred back to the court prior to
3 the expiration of that time period. This section does not alter the
4 confidential nature of assisted outpatient treatment.

5 (C) Refer the defendant to the county conservatorship
6 investigator in the county of commitment for possible
7 conservatorship proceedings for the defendant pursuant to Chapter
8 3 (commencing with Section 5350) of Part 1 of Division 5 of the
9 Welfare and Institutions Code. A defendant shall only be referred
10 to the conservatorship investigator if, based on the opinion of a
11 qualified mental health expert, the defendant appears to be gravely
12 disabled, as defined in subparagraph (A) of paragraph (1) of
13 subdivision (h) of Section 5008 of the Welfare and Institutions
14 Code. Any hearings required in the conservatorship proceedings
15 shall be held in the superior court in the county of commitment.
16 The court shall transmit a copy of the order directing initiation of
17 conservatorship proceedings to the county mental health director
18 or the director's designee and shall notify the county mental health
19 director or their designee of the outcome of the proceedings. Before
20 establishing a conservatorship, the public guardian shall investigate
21 all available alternatives to conservatorship pursuant to Section
22 5354 of the Welfare and Institutions Code. If a petition is not filed
23 within 30 days of the referral, the court shall order the defendant,
24 if confined in county jail, to be released on their own recognizance
25 pending conservatorship proceedings. If the outcome of the
26 conservatorship proceedings results in the filing of a petition for
27 the establishment of a temporary or permanent conservatorship,
28 the charges shall be dismissed pursuant to Section 1385 90 days
29 after the date of the filing of the petition, unless the defendant's
30 case has been referred back to the court prior to the expiration of
31 that time period. This section does not alter the confidential nature
32 of conservatorship proceedings.

33 (D) Refer the defendant to the CARE program pursuant to
34 Section 5978 of the Welfare and Institutions Code. A hearing to
35 determine eligibility for CARE shall be held within 14 court days
36 after the date on which the petition for the referral is filed. If the
37 hearing is delayed beyond 14 court days, the court shall order the
38 defendant, if confined in county jail, to be released on their own
39 recognizance pending that hearing. If the defendant is accepted
40 into CARE, the charges shall be dismissed pursuant to Section

1 1385 six months after the date of the referral to CARE, unless the
2 defendant's case has been referred back to the court prior to the
3 expiration of that time period. This section does not alter the
4 confidential nature of CARE program proceedings.

5 (E) If the defendant does not qualify for services pursuant to
6 subparagraphs (A) to (D), inclusive, dismiss the charges.

7 (c) It is the intent of the Legislature that a defendant subject to
8 the terms of this section receive mental health treatment in a
9 treatment facility and not a jail. A term of four days will be deemed
10 to have been served for every two days spent in actual custody
11 against the maximum period of treatment pursuant to subparagraphs
12 (B) and (D) of paragraph (4) of subdivision (b) and subparagraph
13 (A) of paragraph (1) of subdivision (b), if applicable. A defendant
14 not in actual custody shall otherwise receive day for day credit
15 against the term of treatment from the date the defendant is
16 accepted into treatment in the event that the criminal charges have
17 not previously been dismissed. "Actual custody" has the same
18 meaning as in Section 4019.

19 (d) This section shall apply only as provided in subdivision (b)
20 of Section 1367.

21 (e) It is the intent of the Legislature that the court shall consider
22 all treatment options as provided in this section prior to dismissing
23 criminal charges. However, nothing in this section limits a court's
24 discretion pursuant to Section 1385.

25 ~~SEC. 29.~~

26 *SEC. 28.* Section 1463.007 of the Penal Code is amended to
27 read:

28 1463.007. (a) Notwithstanding any other law, a county or court
29 that operates a comprehensive collection program may deduct the
30 costs of operating that program, excluding capital expenditures,
31 from any revenues collected under that program. The costs shall
32 be deducted before any distribution of revenues to other
33 governmental entities required by any other law. A county or court
34 operating a comprehensive collection program may establish a
35 minimum base fee, fine, forfeiture, penalty, or assessment amount
36 for inclusion in the program.

37 (b) Once debt becomes delinquent, it continues to be delinquent
38 and may be subject to collection by a comprehensive collection
39 program. Debt is delinquent and subject to collection by a

1 comprehensive collection program if any of the following
2 conditions is met:

3 (1) A defendant does not post bail or appear on or before the
4 date on which the defendant promised to appear, or any lawful
5 continuance of that date, if that defendant was eligible to post and
6 forfeit bail.

7 (2) A defendant does not pay the amount imposed by the court
8 on or before the date ordered by the court, or any lawful
9 continuance of that date.

10 (3) A defendant has failed to make an installment payment on
11 the date specified by the court.

12 (c) For the purposes of this section, a “comprehensive collection
13 program” is a separate and distinct revenue collection activity that
14 meets each of the following criteria:

15 (1) The program identifies and collects amounts arising from
16 delinquent court-ordered debt, whether or not a warrant has been
17 issued against the alleged violator.

18 (2) The program complies with the requirements of subdivision
19 (b) of Section 1463.010.

20 (3) The program engages in each of the following activities:

21 (A) Attempts telephone contact with delinquent debtors for
22 whom the program has a telephone number to inform them of their
23 delinquent status and payment options.

24 (B) Notifies delinquent debtors for whom the program has an
25 address in writing of their outstanding obligation within 95 days
26 of delinquency.

27 (C) Generates internal monthly reports to track collections data,
28 such as age of debt and delinquent amounts outstanding.

29 (D) Uses Department of Motor Vehicles information to locate
30 delinquent debtors.

31 (E) Accepts payment of delinquent debt by credit card.

32 (4) The program engages in at least five of the following
33 activities:

34 (A) Sends delinquent debt to the Franchise Tax Board’s
35 Court-Ordered Debt Collections Program.

36 (B) Sends delinquent debt to the Franchise Tax Board’s
37 Interagency Intercept Collections Program.

38 (C) Contracts with one or more private debt collectors to collect
39 delinquent debt.

1 (D) Sends monthly bills or account statements to all delinquent
2 debtors.

3 (E) Contracts with local, regional, state, or national skip tracing
4 or locator resources or services to locate delinquent debtors.

5 (F) Coordinates with the probation department to locate debtors
6 who may be on formal or informal probation.

7 (G) Uses Employment Development Department employment
8 and wage information to collect delinquent debt.

9 (H) Establishes wage and bank account garnishments where
10 appropriate.

11 (I) Places liens on real property owned by delinquent debtors
12 when appropriate.

13 (J) Uses an automated dialer or automatic call distribution
14 system to manage telephone calls.

15 (d) A comprehensive collection program shall also administer
16 nondelinquent installment payment plans ordered pursuant to
17 Section 68645.2 of the Government Code, and may recover up to
18 and including thirty-five dollars (\$35) per nondelinquent
19 installment plan.

20 ~~SEC. 30.~~

21 *SEC. 29.* Section 1473.1 of the Penal Code is amended to read:
22 1473.1. The Judicial Council shall promulgate standards for
23 appointment of private counsel in superior court for claims filed
24 pursuant to subdivision (e) of Section 1473 by individuals who
25 are not sentenced to death. These standards shall include a
26 minimum requirement of 10 hours of training in the California
27 Racial Justice Act of 2020. The training required by this section
28 shall meet the requirements for Minimum Continuing Legal
29 Education credit approved by the State Bar of California.
30 Appointment standards for counsel where an individual has been
31 sentenced to death shall be consistent with existing standards set
32 forth in the California Rules of Court.

33 ~~SEC. 31.~~

34 *SEC. 30.* Section 2052 of the Penal Code is amended to read:
35 2052. (a) The department shall have power to contract for the
36 supply of electricity, gas and water for the prisons, upon terms the
37 department deems in the best interests of the state, or to
38 manufacture gas or electricity, or furnish water itself, at its option.
39 It shall also have power to erect and construct or cause to be erected
40 and constructed, electrical apparatus or other illuminating works

1 in its discretion with or without contracting therefor, on terms it
2 deems just. The department shall have full power to erect any
3 building or structure deemed necessary by it, or to alter or improve
4 the same, and to pay for the same from the fund appropriated for
5 the use or support of the prisons, or from the earnings thereof,
6 without advertising or contracting therefor.

7 (b) With respect to any facility under the jurisdiction of the
8 California Correctional Training and Rehabilitation Authority, the
9 California Correctional Training and Rehabilitation Authority shall
10 have the same powers that are vested in the department pursuant
11 to subdivision (a).

12 ~~SEC. 32.~~

13 *SEC. 31.* Section 2056 of the Penal Code is amended to read:

14 2056. If any of the shops or buildings in which convicts are
15 employed require rebuilding or repair for any reason, they may be
16 rebuilt or repaired immediately, under the direction of the
17 California Correctional Training and Rehabilitation Authority.

18 ~~SEC. 33.~~

19 *SEC. 32.* Section 2700 of the Penal Code is amended to read:

20 2700. (a) The Department of Corrections and Rehabilitation
21 shall require of every able-bodied prisoner imprisoned in any state
22 prison as many hours of faithful labor in each day and every day
23 during the prisoner's term of imprisonment as shall be prescribed
24 by the rules and regulations of the Secretary of the Department of
25 Corrections and Rehabilitation.

26 (b) When any statute requires a price to be fixed for any services
27 to be performed in connection with the work program of the
28 Department of Corrections and Rehabilitation, the compensation
29 paid to prisoners shall be included as an item of cost in fixing the
30 final statutory price.

31 (c) Prisoners not engaged on work programs under the
32 jurisdiction of the California Correctional Training and
33 Rehabilitation Authority, but who are engaged in productive labor
34 outside of such programs may be compensated in like manner.
35 The compensation of the prisoners shall be paid either out of funds
36 appropriated by the Legislature for that purpose or out of such
37 other funds available to the Department of Corrections and
38 Rehabilitation for expenditure, as the Director of Finance may
39 direct.

(d) When a prisoner escapes, the secretary shall determine what portion of the prisoner's earnings shall be forfeited and the forfeiture shall be deposited in the State Treasury in a fund known as the Inmate Welfare Fund of the Department of Corrections and Rehabilitation.

~~SEC. 34.~~

SEC. 33. Section 2701 of the Penal Code is amended to read:

2701. (a) The Department of Corrections and Rehabilitation is hereby authorized and empowered to cause the prisoners in the state prisons of this state to be employed in the rendering of services as are now, or may hereafter be, needed by the state, or any political subdivision thereof, or that may be needed for any state, county, district, municipal, school, or other public use, or that may be needed by any public institution of the state or of any political subdivision thereof, or that may be needed for use by the federal government, or any department, agency, or corporation thereof, or that may be needed for use by the government of any other state, or any department, agency, or corporation thereof, except for services provided by enterprises under the jurisdiction of the California Correctional Training and Rehabilitation Authority. The Department of Corrections and Rehabilitation may enter into contracts for the purposes of this article.

(b) The Department of Corrections and Rehabilitation may cause prisoners in the prisons of this state to be employed in the rendering of emergency services for the preservation of life or property within the state, whether that property is owned by public entities or private citizens, when a county level state of emergency has been declared due to a natural disaster and the local governing board has requested the assistance of the Department of Corrections and Rehabilitation.

~~SEC. 35.~~

SEC. 34. Section 2716.5 of the Penal Code is amended to read:

2716.5. (a) There is hereby established the Prerelease Construction Trades Certificate Program, hereinafter referred to in this section as "the program," in the Department of Corrections and Rehabilitation, hereinafter referred to in this section as the "department," to increase employment opportunities in the construction trades for inmates upon release.

(b) The department shall establish a joint advisory committee for the purpose of implementation of the program. The committee

1 shall be composed of representatives from building and
2 construction trades employee organizations, the State Building
3 and Construction Trades Council of California, joint apprenticeship
4 training programs, the California Correctional Training and
5 Rehabilitation Authority, the Division of Apprenticeship Standards,
6 the Labor and Workforce Development Agency, and any other
7 representatives the department determines appropriate. The
8 responsibilities of the committee shall include, but are not be
9 limited to, the following:

10 (1) Develop guidelines for the participation of inmates in
11 preapprenticeship training programs, as described in subdivision
12 (e) of Section 14230 of the Unemployment Insurance Code. The
13 guidelines shall provide for the integration, for all inmate
14 preapprenticeship training programs in the building and
15 construction trades, of the multicraft core curriculum implemented
16 by the State Department of Education for its California Partnership
17 Academies pilot project and by the California Workforce
18 Development Board and local boards.

19 (2) Develop and implement a prerelease construction trades
20 certification that validates that an inmate completed instruction,
21 skills, and competencies required by and recognized by the
22 participating building and construction trades.

23 (3) Ensure compliance with any applicable requirements and
24 regulations of the Division of Apprenticeship Standards.

25 (4) Evaluate prerelease on-the-job training opportunities to
26 compare and match competencies with those of registered
27 apprentices in the building and construction trades.

28 (5) Explore the feasibility of the electronic tracking of each
29 participating inmate's relevant activities to efficiently capture
30 competencies related to the certification.

31 (6) Explore the prerelease awarding of formal credit for
32 apprenticeship hours recognized by joint apprenticeship training
33 programs and the Division of Apprenticeship Standards.

34 (7) Facilitate the admission of graduates of inmate
35 preapprenticeship programs, after release, into state-approved
36 apprenticeship programs and for apprenticeship programs to
37 evaluate such individuals for admission with advanced standing
38 based on prior coursework and work experience.

39 ~~SEC. 36.~~

40 *SEC. 35.* Section 2800 of the Penal Code is amended to read:

1 2800. There is hereby continued in existence within the
2 Department of Corrections and Rehabilitation the California
3 Correctional Training and Rehabilitation Authority. As used in
4 this article, “authority” means the California Correctional Training
5 and Rehabilitation Authority. Any reference to the Department of
6 Corrections shall refer to the Department of Corrections and
7 Rehabilitation.

8 ~~SEC. 37.~~

9 *SEC. 36.* Section 2800.5 is added to the Penal Code, to read:

10 2800.5. The Prison Industry Authority shall be known as the
11 California Correctional Training and Rehabilitation Authority.
12 Any reference to the Prison Industry Authority in this or any other
13 code shall be construed to mean the California Correctional
14 Training and Rehabilitation Authority.

15 ~~SEC. 38.~~

16 *SEC. 37.* Section 2801 of the Penal Code is amended to read:

17 2801. The purposes of the authority are:

18 (a) To develop and operate industrial, agricultural, and service
19 enterprises employing prisoners in institutions under the
20 jurisdiction of the Department of Corrections and Rehabilitation,
21 which enterprises may be located either within those institutions
22 or elsewhere, all as may be determined by the authority.

23 (b) To create and maintain working conditions within the
24 enterprises as much like those which prevail in private industry as
25 possible, to ensure prisoners employed therein the opportunity to
26 work productively, to earn funds, and to acquire or improve
27 effective work habits and occupational skills.

28 (c) To operate a work program for prisoners that will ultimately
29 be self-supporting by generating sufficient funds from the sale of
30 products and services to pay all the expenses of the program, and
31 one that will provide goods and services that are or will be used
32 by the Department of Corrections and Rehabilitation, thereby
33 reducing the cost of its operation.

34 (1) This subdivision does not require immediate cash availability
35 for funding retiree health care and pension liabilities above amounts
36 established in the Budget Act, or as determined by the Board of
37 Administration of the Public Employees’ Retirement System, or
38 the Director of Finance for the fiscal year.

39 (2) The California Correctional Training and Rehabilitation
40 Authority shall not establish cash reserves to support funding

1 retiree health care and pension liabilities above the amounts
2 specified in paragraph (1).

3 ~~SEC. 39.~~

4 *SEC. 38.* Section 2802 of the Penal Code is amended to read:

5 2802. Commencing July 1, 2005, there is hereby continued in
6 existence within the Department of Corrections and Rehabilitation
7 a California Correctional Training and Rehabilitation Board. The
8 board shall consist of the following 11 members:

9 (a) The Secretary of the Department of Corrections and
10 Rehabilitation, or their designee.

11 (b) The Director of the Department of General Services, or their
12 designee.

13 (c) The Secretary of Transportation, or their designee.

14 (d) The Speaker of the Assembly shall appoint two members
15 to represent the general public.

16 (e) The Senate Committee on Rules shall appoint two members
17 to represent the general public.

18 (f) The Governor shall appoint four members. Of these, two
19 shall be representatives of organized labor, and two shall be
20 representatives of industry. The initial term of one of the members
21 appointed by the Speaker of the Assembly shall be two years, and
22 the initial term of the other shall be three years. The initial term
23 of one of the members appointed by the Senate Committee on
24 Rules shall be two years, and the initial term of the other shall be
25 three years. The initial terms of the four members appointed by
26 the Governor shall be four years. All subsequent terms of all
27 members shall be for four years. Each member's term shall
28 continue until the appointment and qualification of their successor.

29 ~~SEC. 40.~~

30 *SEC. 39.* Section 2804 of the Penal Code is amended to read:

31 2804. The appointed members of the board shall receive a per
32 diem to be determined by the chairperson, but not less than the
33 usual per diem rate allowed to the Department of Corrections and
34 Rehabilitation employees during travel out of state. All members,
35 including the chairperson, shall also receive their actual and
36 necessary expenses of travel incurred in attending meetings of the
37 commission and in making investigations, either as a board or
38 individually as members of the board at the request of the
39 chairperson. All the expenses shall be paid from the California
40 Correctional Training and Rehabilitation Revolving Fund.

1 ~~SEC. 41.~~

2 *SEC. 40.* Section 2806 of the Penal Code is amended to read:

3 2806. (a) There is hereby constituted a permanent revolving
4 fund in the sum of not less than seven hundred thirty thousand
5 dollars (\$730,000), to be known as the California Correctional
6 Training and Rehabilitation Revolving Fund, and to be used to
7 meet the expenses necessary in the purchasing of materials and
8 equipment, salaries, construction and cost of administration of the
9 prison industries program. The fund may also be used to refund
10 deposits either erroneously made or made in cases where delivery
11 of products cannot be consummated. The fund shall at all times
12 contain the amount of at least seven hundred thirty thousand dollars
13 (\$730,000), either in cash or in receivables, consisting of raw
14 materials, finished or unfinished products, inventory at cost,
15 equipment, or any combination of the above. Money received from
16 the rendering of services or the sale of products in the prisons and
17 institutions under the jurisdiction of the Department of Corrections
18 and Rehabilitation pursuant to this article shall be paid to the State
19 Treasurer monthly and shall be credited to the fund. At any time
20 that the Secretary of the Department of Corrections and
21 Rehabilitation and the Director of Finance jointly determine that
22 the balance in that revolving fund is greater than is necessary to
23 carry out the purposes of the authority, they shall so inform the
24 Controller and request a transfer of the unneeded balance from the
25 revolving fund to the General Fund of the State of California. The
26 Controller is authorized to transfer balances upon request. Funds
27 deposited in the revolving fund are not subject to annual
28 appropriation by the Legislature and may be used without a time
29 limit by the authority.

30 (b) The California Correctional Training and Rehabilitation
31 Revolving Fund is not subject to the provisions of Articles 2
32 (commencing with Section 13320) and 3 (commencing with
33 Section 13335) of Chapter 3 of Part 3 of Division 3 of Title 2 of
34 the Government Code.

35 (c) Any major capital outlay project undertaken by the authority
36 pursuant to this article shall be subject to review by the Public
37 Works Board pursuant to the provisions of Part 10.5 (commencing
38 with Section 15752) of Division 3 of Title 2 of the Government
39 Code.

1 ~~SEC. 42.~~

2 *SEC. 41.* Section 2808 of the Penal Code is amended to read:

3 2808. The board, in the exercise of its duties, shall have all of
4 the powers and do all of the things that the board of directors of a
5 private corporation would do, except as specifically limited in this
6 article, including, but not limited to, all of the following:

7 (a) To enter into contracts and leases, execute leases, pledge
8 the equipment, inventory, and supplies under the control of the
9 authority and the anticipated future receipts of any enterprise under
10 the jurisdiction of the authority as collateral for loans, and execute
11 other necessary instruments and documents.

12 (b) To ensure that all funds received by the authority are kept
13 in commercial accounts according to standard accounting practices.

14 (c) To arrange for an independent annual audit.

15 (d) To review and approve the annual budget for the authority,
16 in order to ensure that the solvency of the California Correctional
17 Training and Rehabilitation Revolving Fund is maintained.

18 (1) This subdivision does not require immediate cash availability
19 for funding retiree health care and pension liabilities above amounts
20 established in the Budget Act, or as determined by the Board of
21 Administration of the Public Employees' Retirement System, or
22 the Director of Finance for the fiscal year.

23 (2) The California Correctional Training and Rehabilitation
24 Authority shall not establish cash reserves to support funding
25 retiree health care and pension liabilities above the amounts
26 specified in paragraph (1).

27 (e) To contract to employ a director to serve as the chief
28 administrative officer of the authority. The director shall serve at
29 the pleasure of the chairperson. The director shall have wide and
30 successful experience with a productive enterprise, and have a
31 demonstrated appreciation of the problems associated with prison
32 management.

33 (f) To apply for and administer grants and contracts of all kinds.

34 (g) To establish, notwithstanding any other law, procedures
35 governing the purchase of raw materials, component parts, and
36 any other goods and services that may be needed by the authority
37 or in the operation of any enterprise under its jurisdiction. Those
38 procedures shall contain provisions for appeal to the board from
39 any action taken in connection with them.

1 (h) To establish, expand, diminish, or discontinue industrial,
2 agricultural, and service enterprises under the authority's
3 jurisdiction to enable it to operate as a self-supporting enterprise,
4 to provide as much employment for inmates as is feasible, and to
5 provide diversified work activities to minimize the impact on
6 existing private industry in the state.

7 (i) To hold public hearings pursuant to subdivision (h) to provide
8 an opportunity for persons or organizations who may be affected
9 to appear and present testimony concerning the plans and activities
10 of the authority. The authority shall ensure adequate public notice
11 of those hearings. A new industrial, agricultural, or service
12 enterprise that involves a gross annual production of more than
13 fifty thousand dollars (\$50,000) shall not be established unless and
14 until a hearing concerning the enterprise has been held by a
15 committee of persons designated by the board including at least
16 two board members. The board shall take into consideration the
17 effect of a proposed enterprise on California industry and shall not
18 approve the establishment of the enterprise if the board determines
19 it would have a comprehensive and substantial adverse impact on
20 California industry that cannot be mitigated.

21 (j) To periodically determine the prices at which activities,
22 supplies, and services shall be sold.

23 (k) To report to the Legislature in writing, on or before February
24 1 of each year, regarding:

25 (1) The financial activity and condition of each enterprise under
26 its jurisdiction.

27 (2) The plans of the board regarding any significant changes in
28 existing operations.

29 (3) The plans of the board regarding the development of new
30 enterprises.

31 (4) A breakdown, by institution, of the number of prisoners at
32 each institution, working in enterprises under the jurisdiction of
33 the authority, said number to indicate the number of prisoners who
34 are not working full time.

35 ~~SEC. 43.~~

36 *SEC. 42.* Section 2810.5 of the Penal Code is amended to read:

37 2810.5. Notwithstanding any other law, commencing July 1,
38 2005, the Pooled Money Investment Board, or its successor, may
39 grant loans to the authority when money is appropriated for that
40 purpose by the Legislature, upon application by the Secretary of

1 the Department of Corrections and Rehabilitation, in order to
2 finance the establishment of a new industrial, agricultural, or
3 service enterprise. All loans shall bear the same interest rate as the
4 pooled money market investment rate and shall have a maximum
5 repayment period of 20 years from the date of approval of the loan.

6 Prior to making its decision to grant a loan, the Pooled Money
7 Investment Board, or its successor, shall require the authority to
8 demonstrate all of the following:

9 (a) The proposed industry project cannot be feasibly financed
10 from private sources under Section 2810. The authority shall
11 present proposed loan conditions from at least two private sources.

12 (b) The proposed industry project cannot feasibly be financed
13 from proceeds from other California Correctional Training and
14 Rehabilitation Authority enterprises.

15 (c) The proceeds from the proposed project provide for a
16 reasonable payback schedule to the General Fund.

17 ~~SEC. 44.~~

18 *SEC. 43.* Section 2811 of the Penal Code is amended to read:

19 2811. (a) Commencing July 1, 2005, the director shall adopt
20 and maintain a compensation schedule for inmate employees. That
21 compensation schedule shall be based on quantity and quality of
22 work performed and shall be required for its performance, but in
23 no event shall that compensation exceed one-half the minimum
24 wage provided in Section 1182 of the Labor Code, except as
25 otherwise provided in this code. This compensation shall be
26 credited to the account of the inmate.

27 (b) Inmate compensation shall be paid from the California
28 Correctional Training and Rehabilitation Revolving Fund.

29 ~~SEC. 45.~~

30 *SEC. 44.* Section 2816 of the Penal Code is amended to read:

31 2816. (a) With the approval of the Department of Finance,
32 there shall be transferred to, or deposited in, the California
33 Correctional Training and Rehabilitation Revolving Fund for
34 purposes authorized by this section, money appropriated from any
35 source including sources other than state appropriations.

36 (b) Notwithstanding subdivision (i) of Section 2808, the
37 Secretary of the Department of Corrections and Rehabilitation
38 may order any authorized public works project involving the
39 construction, renovation, or repair of prison facilities to be
40 performed by inmate labor or juvenile justice facilities to be

1 performed by ward labor, when the total expenditure does not
2 exceed the project limit established by the first paragraph of Section
3 10108 of the Public Contract Code. Projects entailing expenditure
4 of greater than the project limit established by the first paragraph
5 of Section 10108 of the Public Contract Code shall be reviewed
6 and approved by the chairperson, in consultation with the board.

7 (c) Money so transferred or deposited shall be available for
8 expenditure by the department for the purposes for which
9 appropriated, contributed, or made available, without regard to
10 fiscal years and irrespective of the provisions of Sections 13340
11 and 16304 of the Government Code. Money transferred or
12 deposited pursuant to this section shall be used only for purposes
13 authorized in this section.

14 ~~SEC. 46.~~

15 *SEC. 45.* Section 2817 of the Penal Code is amended to read:
16 2817. The Inmate and Ward Construction Revolving Account
17 is hereby created in the California Correctional Training and
18 Rehabilitation Revolving Fund, established in Section 2806, to
19 receive funds transferred or deposited for the purposes described
20 in Section 2816.

21 ~~SEC. 47.~~

22 *SEC. 46.* Section 2818 of the Penal Code is amended to read:
23 2818. The New Industries Revolving Account is hereby created
24 in the California Correctional Training and Rehabilitation
25 Revolving Fund to receive General Fund or other public money
26 transferred or deposited for the purpose of financing new
27 enterprises or the expansion of existing enterprises. Money in the
28 fund may be disbursed by the board subject to the conditions
29 prescribed in Section 2810.5.

30 ~~SEC. 48.~~

31 *SEC. 47.* Section 4497.50 of the Penal Code is amended to
32 read:

33 4497.50. In order to be eligible to receive funds derived from
34 the issuance of General Obligation Bonds under the County
35 Correctional Facility Capital Expenditure and Youth Facility Bond
36 Act of 1988, a county or city and county shall do all of the
37 following:

38 (a) In the design and planning of facilities whose construction,
39 reconstruction, or remodeling is financed under the County
40 Correctional Facility Capital Expenditure and Youth Facility Bond

1 Act of 1988, products for construction, renovation, equipment,
2 and furnishings produced and sold by the California Correctional
3 Training and Rehabilitation Authority or local Jail Industry
4 Authority shall be utilized in the plans and specifications unless
5 the county or city and county demonstrates either of the following
6 to the satisfaction of the Board of State and Community Corrections
7 or the Department of Corrections and Rehabilitation, Division of
8 Juvenile Justice.

9 (1) The products cannot be produced and delivered without
10 causing delay to the construction of the property.

11 (2) The products are not suitable for the facility or competitively
12 priced and cannot otherwise be reasonably adapted.

13 (b) Counties and cities and counties shall consult with the staff
14 of the California Correctional Training and Rehabilitation
15 Authority or local Jail Industry Authority to develop new products
16 and adapt existing products to their needs.

17 (c) The Board of State and Community Corrections or the
18 Department of Corrections and Rehabilitation, Division of Juvenile
19 Justice, shall not enter into any contract with any county or city
20 and county until that county's or city and county's plan for
21 purchase from and consultation with the California Correctional
22 Training and Rehabilitation Authority or local jail industry program
23 is reviewed and approved by the Board of State and Community
24 Corrections or the Department of Corrections and Rehabilitation,
25 Division of Juvenile Justice.

26 ~~SEC. 49.~~

27 *SEC. 48.* Section 4497.52 of the Penal Code is amended to
28 read:

29 4497.52. Notwithstanding any other law, a county or city and
30 county may contract for the purchase of products as specified in
31 Section 4497.50 with the California Correctional Training and
32 Rehabilitation Authority or local Jail Industry Authority without
33 the formality of obtaining bids or otherwise complying with
34 provisions of the Public Contract Code.

35 ~~SEC. 50.~~

36 *SEC. 49.* Section 4497.54 of the Penal Code is amended to
37 read:

38 4497.54. The California Correctional Training and
39 Rehabilitation Authority shall designate an individual as County
40 Jail and Juvenile Facility Liaison who shall work with counties to

1 maximize the utilization of California Correctional Training and
2 Rehabilitation Authority products for construction, renovation,
3 equipment, and furnishing, to ensure that manufactured products
4 meet the contract specifications and delivery dates, and to ensure
5 consultation with counties for development of new products and
6 adaption of existing products to meet their needs.

7 ~~SEC. 51.~~

8 *SEC. 50.* Section 4497.56 of the Penal Code is amended to
9 read:

10 4497.56. It is the intent of the Legislature to maximize the
11 utilization of California Correctional Training and Rehabilitation
12 Authority products for jail construction, renovation, equipment,
13 and furnishings to ensure that prisoners work productively and
14 contribute to reducing the cost to the taxpayers of their
15 incarceration.

16 ~~SEC. 52.~~

17 *SEC. 51.* Section 6025 of the Penal Code is amended to read:

18 6025. (a) Commencing July 1, 2012, the Board of State and
19 Community Corrections shall be composed of 12 members, as
20 follows:

21 (1) The Chair of the Board of State and Community Corrections,
22 who shall be the Secretary of the Department of Corrections and
23 Rehabilitation.

24 (2) The Director of the Division of Adult Parole Operations for
25 the Department of Corrections and Rehabilitation.

26 (3) A county sheriff in charge of a local detention facility which
27 has a Corrections Standards Authority rated capacity of 200 or
28 fewer inmates, appointed by the Governor, subject to Senate
29 confirmation.

30 (4) A county sheriff in charge of a local detention facility which
31 has a Corrections Standards Authority rated capacity of over 200
32 inmates, appointed by the Governor, subject to Senate
33 confirmation.

34 (5) A county supervisor or county administrative officer. This
35 member shall be appointed by the Governor, subject to Senate
36 confirmation.

37 (6) A chief probation officer from a county with a population
38 over 200,000, appointed by the Governor, subject to Senate
39 confirmation.

1 (7) A chief probation officer from a county with a population
2 under 200,000, appointed by the Governor, subject to Senate
3 confirmation.

4 (8) A judge appointed by the Judicial Council of California.

5 (9) A chief of police, appointed by the Governor, subject to
6 Senate confirmation.

7 (10) A community provider of rehabilitative treatment or
8 services for adult offenders, appointed by the Speaker of the
9 Assembly.

10 (11) A community provider or advocate with expertise in
11 effective programs, policies, and treatment of at-risk youth
12 and juvenile offenders, appointed by the Senate Committee on
13 Rules.

14 (12) A public member, appointed by the Governor, subject to
15 Senate confirmation.

16 (b) Commencing July 1, 2013, the Board of State and
17 Community Corrections shall be composed of 13 members, as
18 follows:

19 (1) The Chair of the Board of State and Community Corrections,
20 who shall be appointed by the Governor, subject to Senate
21 confirmation.

22 (2) The Secretary of the Department of Corrections and
23 Rehabilitation.

24 (3) The Director of the Division of Adult Parole Operations for
25 the Department of Corrections and Rehabilitation.

26 (4) The individuals listed in paragraphs (3) to (12), inclusive,
27 of subdivision (a), who shall serve or continue to serve terms as
28 provided in subdivision (e).

29 (c) Commencing July 1, 2024, the Board of State and
30 Community Corrections shall be composed of 15 members, as
31 follows:

32 (1) The individuals described in subdivision (b), who shall serve
33 or continue to serve terms as provided in subdivision (e).

34 (2) A licensed health care provider, appointed by the Governor,
35 subject to Senate confirmation.

36 (3) A licensed mental or behavioral health care provider,
37 appointed by the Governor, subject to Senate confirmation.

38 (d) The Chair of the Board of State and Community Corrections
39 shall serve full time.

1 (e) Members shall hold office for terms of three years, each
2 term to commence on the expiration date of the predecessor. Any
3 appointment to a vacancy that occurs for any reason other than
4 expiration of the term shall be for the remainder of the unexpired
5 term. Members are eligible for reappointment.

6 (f) The board shall select a vice chairperson from among its
7 members, who shall be either a chief probation officer or a sheriff.
8 Eight members of the board shall constitute a quorum.

9 (g) When the board is hearing charges against any member, the
10 individual concerned shall not sit as a member of the board for the
11 period of hearing of charges and the determination of
12 recommendations to the Governor.

13 (h) If any appointed member is not in attendance for three
14 meetings in any calendar year, the board shall inform the
15 appointing authority, which may remove that member and make
16 a new appointment, as provided in this section, for the remainder
17 of the term.

18 ~~SEC. 53.~~

19 *SEC. 52.* Section 6202 of the Penal Code is amended to read:

20 6202. (a) Work of inmates assigned to the conservation centers
21 may be performed at the conservation centers or branches thereof
22 or in or from permanent, temporary, and mobile camps established
23 pursuant to this chapter or pursuant to Article 5 (commencing with
24 Section 2780) of Chapter 5 of Title 1 of Part 3. The provisions of
25 Sections 2780.1 to 2786, inclusive, and Sections 2788 to 2791,
26 inclusive, are applicable to camps established pursuant to this
27 article as well as those established pursuant to that Article 5. The
28 Secretary of the Department of Corrections and Rehabilitation
29 may, at such times as the secretary deems proper and on such terms
30 as the secretary deems wise, enter into contracts or cooperative
31 agreements with any public agency, local, state, or federal, for the
32 performance of other conservation projects that are appropriate
33 for the public agencies under policies which shall be established
34 by the California Correctional Training and Rehabilitation
35 Authority.

36 (b) Inmates and wards may be assigned to perform public
37 conservation projects, including, but not limited to, forest fire
38 prevention and control, forest and watershed management,
39 recreational area development, fish and game management, soil
40 conservation, and forest watershed revegetation.

1 (c) No productive industrial enterprise subject to the jurisdiction
2 of the California Correctional Training and Rehabilitation
3 Authority shall be established at any center or branch thereof or
4 camp established pursuant to this chapter except in compliance
5 with Chapter 3.5 (commencing with Section 5085) of Title 7 of
6 Part 3.

7 ~~SEC. 54.~~

8 *SEC. 53.* Section 13511.1 of the Penal Code is amended to
9 read:

10 13511.1. (a) The commission, stakeholders from law
11 enforcement, including representatives of law enforcement
12 administration and law enforcement employees, the California
13 State University, including administration and faculty members,
14 and community organizations shall serve as advisors to the office
15 of the Chancellor of the California Community Colleges to develop
16 a modern policing degree program. By June 1, 2023, the office of
17 the Chancellor of the California Community Colleges, in
18 consultation with the stakeholders, shall submit a report on
19 recommendations to the Legislature outlining a plan to implement
20 this program. The recommendations in the report shall:

21 (1) Focus on courses pertinent to law enforcement, which shall
22 include, but not be limited to, psychology, communications,
23 history, ethnic studies, law, and those determined to develop
24 necessary critical thinking skills and emotional intelligence.

25 (2) Include allowances for prior law enforcement experience,
26 and appropriate work experience, postsecondary education
27 experience, or military experience to satisfy a portion of the
28 employment eligibility requirements.

29 (A) It is the intent of the Legislature that allowances for prior
30 experience in this paragraph for those with military experience
31 may be provided to those with military specializations pertinent
32 to law enforcement, including those specializations in community
33 relations, de-escalation, foreign language translators, and those
34 determined to require necessary critical thinking skills and
35 emotional intelligence.

36 (B) It is the intent of the Legislature that allowances for prior
37 experience specified in this paragraph shall be granted to those of
38 good moral character, and shall not be granted to those with prior
39 sustained disciplinary actions taken against them, except that the
40 Commission on Peace Officer Standards and Training may, after

1 considering the severity of the sustained misconduct or violation,
2 grant a partial allowance.

3 (3) Include both the modern policing degree program and
4 bachelor's degree in the discipline of their choosing as minimum
5 education requirements for employment as a peace officer.

6 (4) Include recommendations to adopt financial assistance for
7 students of historically underserved and disadvantaged
8 communities with barriers to higher education access that fulfill
9 the minimum education requirements to be adopted, pursuant to
10 this section, for employment as a peace officer.

11 (b) The report to be submitted pursuant to subdivision (a) shall
12 be submitted in compliance with Section 9795 of the Government
13 Code.

14 (c) Within two years of the submission of the report to the
15 Legislature, the commission shall approve and adopt the education
16 criteria for peace officers, based on the recommendations in the
17 report by the office of the Chancellor of the California Community
18 Colleges in consultation with the stakeholders specified in
19 subdivision (a).

20 ~~SEC. 55.~~

21 *SEC. 54.* Section 13515.26 of the Penal Code is amended to
22 read:

23 13515.26. (a) The commission shall review the training module
24 in the regular basic course relating to persons with a mental illness,
25 intellectual disability, or substance use disorder, and analyze
26 existing training curricula in order to identify areas where
27 additional training is needed to better prepare law enforcement to
28 effectively address incidents involving mentally disabled persons.

29 (b) Upon identifying what additional training is needed, the
30 commission shall update the training in consultation with
31 appropriate community, local, and state organizations, and agencies
32 that have expertise in the area of mental illness, intellectual
33 disability, and substance use disorders, and with appropriate
34 consumer and family advocate groups.

35 (c) The training shall address issues related to stigma, shall be
36 culturally relevant and appropriate, and shall include all of the
37 following topics:

38 (1) Recognizing indicators of mental illness, intellectual
39 disability, and substance use disorders.

1 (2) Conflict resolution and de-escalation techniques for
2 potentially dangerous situations.

3 (3) Use of force options and alternatives.

4 (4) The perspective of individuals or families who have
5 experiences with persons with mental illness, intellectual disability,
6 and substance use disorders.

7 (5) Mental health resources available to the first responders to
8 events that involve mentally disabled persons.

9 (d) The course of instruction shall be at least 15 hours, and shall
10 include training scenarios and facilitated learning activities relating
11 to law enforcement interaction with persons with mental illness,
12 intellectual disability, and substance use disorders.

13 (e) The course shall be presented within the existing hours
14 allotted for the regular basic course.

15 (f) The commission shall implement this section on or before
16 August 1, 2016.

17 ~~SEC. 56.~~

18 *SEC. 55.* Section 13515.27 of the Penal Code is amended to
19 read:

20 13515.27. (a) The commission shall establish and keep updated
21 a classroom-based continuing training course that includes
22 instructor-led active learning, such as scenario-based training,
23 relating to behavioral health and law enforcement interaction with
24 persons with mental illness, intellectual disability, and substance
25 use disorders.

26 (b) This course shall be at least three consecutive hours, may
27 include training scenarios and facilitated learning activities, shall
28 address issues related to stigma, shall be culturally relevant and
29 appropriate, and shall include all of the following topics:

30 (1) The cause and nature of mental illness, intellectual disability,
31 and substance use disorders.

32 (2) Indicators of mental illness, intellectual disability, and
33 substance use disorders.

34 (3) Appropriate responses to a variety of situations involving
35 persons with mental illness, intellectual disability, and substance
36 use disorders.

37 (4) Conflict resolution and de-escalation techniques for
38 potentially dangerous situations.

39 (5) Appropriate language usage when interacting with potentially
40 emotionally distressed persons.

(6) Resources available to serve persons with mental illness or intellectual disability.

(7) The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders.

(c) The course described in subdivisions (a) and (b) shall be made available by the commission to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties.

(d) The commission shall implement this section on or before August 1, 2016.

~~SEC. 57.~~

SEC. 56. Section 13515.28 of the Penal Code is amended to read:

13515.28. (a) (1) The commission shall require the field training officers who provide instruction in the field training program to have at least eight hours of crisis intervention behavioral health training to better train new peace officers on how to effectively interact with persons with mental illness or intellectual disability. This course shall include classroom instruction and instructor-led active learning, such as scenario-based training, and shall be taught in segments that are at least four hours long.

(2) If a field training officer has completed eight hours of crisis intervention behavioral health training within the past 24 months, or if a field training officer has completed 40 hours of crisis intervention behavioral health training, the requirement described 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.

1 (3) Conflict resolution and de-escalation techniques for
2 potentially dangerous situations.

3 (4) Appropriate language usage when interacting with potentially
4 emotionally distressed persons.

5 (5) Community and state resources available to serve persons
6 with mental illness or intellectual disability, and how these
7 resources can be best utilized by law enforcement.

8 (6) The perspective of individuals or families who have
9 experiences with persons with mental illness, intellectual disability,
10 and substance use disorders.

11 (c) Field training officers assigned or appointed before January
12 1, 2017, shall complete the crisis intervention behavioral health
13 training by June 30, 2017. Field training officers assigned or
14 appointed on or after January 1, 2017, shall complete the crisis
15 intervention behavioral health training within 180 days of
16 assignment or appointment.

17 (d) This section does not prevent an agency from requiring its
18 field training officers to complete additional hours of crisis
19 intervention behavioral health training or requiring its field training
20 officers to complete that training earlier than as required by this
21 section.

22 ~~SEC. 58.~~

23 *SEC. 57.* Section 13515.295 of the Penal Code is amended to
24 read:

25 13515.295. (a) The commission shall, by May 1, 2016, conduct
26 a review and evaluation of the required competencies of the field
27 training program and police training program to identify areas
28 where additional training is necessary to better prepare law
29 enforcement officers to effectively address incidents involving
30 persons with a mental illness or intellectual disability.

31 (b) Upon identifying what additional training is needed, the
32 commission shall update the training in consultation with
33 appropriate community, local, and state organizations, and agencies
34 that have expertise in the area of mental illness, intellectual
35 disabilities, and substance abuse disorders, and with appropriate
36 consumer and family advocate groups.

37 (c) The training shall address issues related to stigma, shall be
38 culturally relevant and appropriate, and shall include all of the
39 following topics:

1 (1) How to identify indicators of mental illness, intellectual
2 disability, substance use disorders, neurological disorders,
3 traumatic brain injury, post-traumatic stress disorder, and dementia.

4 (2) Autism spectrum disorder.

5 (3) Genetic disorders, including, but not limited to, Down
6 syndrome.

7 (4) Conflict resolution and de-escalation techniques for
8 potentially dangerous situations.

9 (5) Alternatives to the use of force when interacting with
10 potentially dangerous persons with mental illness or intellectual
11 disabilities.

12 (6) The perspective of individuals or families who have
13 experiences with persons with mental illness, intellectual disability,
14 and substance use disorders.

15 (7) Involuntary holds.

16 (8) Community and state resources available to serve persons
17 with mental illness or intellectual disability, and how these
18 resources can be best utilized by law enforcement.

19 ~~SEC. 59.~~

20 *SEC. 58.* Section 13515.30 of the Penal Code is amended to
21 read:

22 13515.30. (a) By July 1, 2015, the Commission on Peace
23 Officer Standards and Training shall establish and keep updated
24 a continuing education training course relating to law enforcement
25 interaction with mentally disabled and developmentally disabled
26 persons living within a state mental hospital or state developmental
27 center. The training course shall be developed by the commission
28 in consultation with appropriate community, local, and state
29 organizations and agencies that have expertise in the area of mental
30 illness and developmental disability, and with appropriate consumer
31 and family advocate groups. In developing the course, the
32 commission shall also examine existing courses certified by the
33 commission that relate to mentally disabled and developmentally
34 disabled persons. The commission shall make the course available
35 to all law enforcement agencies in California, and the course shall
36 be required for law enforcement personnel serving in law
37 enforcement agencies with jurisdiction over state mental hospitals
38 and state developmental centers, as part of the agency's officer
39 training program.

(b) The course described in subdivision (a) may consist of video-based or classroom instruction. The course shall include, at a minimum, core instruction in all of the following:

(1) The prevalence, cause, and nature of mental illnesses and developmental disabilities.

(2) The unique characteristics, barriers, and challenges of individuals who may be a victim of abuse or exploitation living within a state mental hospital or state developmental center.

(3) How to accommodate, interview, and converse with individuals who may require assistive devices in order to express themselves.

(4) Capacity and consent of individuals with cognitive and intellectual barriers.

(5) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled or developmentally disabled persons.

(6) Appropriate language usage when interacting with mentally disabled or developmentally disabled persons.

(7) Community and state resources and advocacy support and services available to serve mentally disabled or developmentally disabled persons, and how these resources can be best utilized by law enforcement to benefit the mentally disabled or developmentally disabled community.

(8) The fact that a crime committed in whole or in part because of an actual or perceived disability of the victim is a hate crime punishable under Title 11.6 (commencing with Section 422.55) of Part 1.

(9) Information on the state mental hospital system and the state developmental center system.

(10) Techniques in conducting forensic investigations within 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.~~

SEC. 59. Section 13519.10 of the Penal Code is amended to read:

1 13519.10. (a) (1) The commission shall implement a course
2 or courses of instruction for the regular and periodic training of
3 law enforcement officers in the use of force and shall also develop
4 uniform, minimum guidelines for adoption and promulgation by
5 California law enforcement agencies for use of force. The
6 guidelines and course of instruction shall stress that the use of
7 force by law enforcement personnel is of important concern to the
8 community and law enforcement and that law enforcement should
9 safeguard life, dignity, and liberty of all persons, without prejudice
10 to anyone. These guidelines shall be a resource for each agency
11 executive to use in the creation of the use of force policy that the
12 agency is required to adopt and promulgate pursuant to Section
13 7286 of the Government Code, and that reflects the needs of the
14 agency, the jurisdiction it serves, and the law.

15 (2) As used in this section, “law enforcement officer” includes
16 any peace officer of a local police or sheriff’s department or the
17 California Highway Patrol, or of any other law enforcement agency
18 authorized by law to use force to effectuate an arrest.

19 (b) The course or courses of the regular basic course for law
20 enforcement officers and the guidelines shall include all of the
21 following:

- 22 (1) Legal standards for use of force.
- 23 (2) Duty to intercede.
- 24 (3) The use of objectively reasonable force.
- 25 (4) Supervisory responsibilities.
- 26 (5) Use of force review and analysis.
- 27 (6) Guidelines for the use of deadly force.
- 28 (7) State required reporting.
- 29 (8) De-escalation and interpersonal communication training,
30 including tactical methods that use time, distance, cover, and
31 concealment, to avoid escalating situations that lead to violence.
- 32 (9) Implicit and explicit bias and cultural competency.
- 33 (10) Skills including de-escalation techniques to effectively,
34 safely, and respectfully interact with people with disabilities or
35 behavioral health issues.
- 36 (11) Use of force scenario training including simulations of
37 low-frequency, high-risk situations and calls for service,
38 shoot-or-don’t-shoot situations, and real-time force option
39 decisionmaking.

1 (12) Alternatives to the use of deadly force and physical force,
2 so that de-escalation tactics and less lethal alternatives are, where
3 reasonably feasible, part of the decisionmaking process leading
4 up to the consideration of deadly force.

5 (13) Mental health and policing, including bias and stigma.

6 (14) Using public service, including the rendering of first aid,
7 to provide a positive point of contact between law enforcement
8 officers and community members to increase trust and reduce
9 conflicts.

10 (c) Law enforcement agencies are encouraged to include, as
11 part of their advanced officer training program, periodic updates
12 and training on use of force. The commission shall assist where
13 possible.

14 (d) (1) The course or courses of instruction, the learning and
15 performance objectives, the standards for the training, and the
16 guidelines shall be developed by the commission in consultation
17 with appropriate groups and individuals having an interest and
18 expertise in the field on use of force. The groups and individuals
19 shall include, but not be limited to, law enforcement agencies,
20 police academy instructors, subject matter experts, and members
21 of the public.

22 (2) The commission, in consultation with these groups and
23 individuals, shall review existing training programs to determine
24 the ways in which use of force training may be included as part of
25 ongoing programs.

26 (e) It is the intent of the Legislature that each law enforcement
27 agency adopt, promulgate, and require regular and periodic training
28 consistent with an agency's specific use of force policy that, at a
29 minimum, complies with the guidelines developed under
30 subdivisions (a) and (b).

31 ~~SEC. 61.~~

32 *SEC. 60.* Section 13652 of the Penal Code is amended to read:

33 13652. (a) Except as otherwise provided in subdivision (b),
34 kinetic energy projectiles and chemical agents shall not be used
35 by any law enforcement agency to disperse any assembly, protest,
36 or demonstration.

37 (b) Kinetic energy projectiles and chemical agents shall only
38 be deployed by a peace officer that has received training on their
39 proper use by the Commission on Peace Officer Standards and
40 Training for crowd control if the use is objectively reasonable to

1 defend against a threat to life or serious bodily injury to any
2 individual, including any peace officer, or to bring an objectively
3 dangerous and unlawful situation safely and effectively under
4 control, and only in accordance with all of the following
5 requirements:

6 (1) De-escalation techniques or other alternatives to force have
7 been attempted, when objectively reasonable, and have failed.

8 (2) Repeated, audible announcements are made announcing the
9 intent to use kinetic energy projectiles and chemical agents and
10 the type to be used, when objectively reasonable to do so. The
11 announcements shall be made from various locations, if necessary,
12 and delivered in multiple languages, if appropriate.

13 (3) Persons are given an objectively reasonable opportunity to
14 disperse and leave the scene.

15 (4) An objectively reasonable effort has been made to identify
16 persons engaged in violent acts and those who are not, and kinetic
17 energy projectiles or chemical agents are targeted toward those
18 individuals engaged in violent acts. Projectiles shall not be aimed
19 indiscriminately into a crowd or group of persons.

20 (5) Kinetic energy projectiles and chemical agents are used only
21 with the frequency, intensity, and in a manner that is proportional
22 to the threat and objectively reasonable.

23 (6) Officers shall minimize the possible incidental impact of
24 their use of kinetic energy projectiles and chemical agents on
25 bystanders, medical personnel, journalists, or other unintended
26 targets.

27 (7) An objectively reasonable effort has been made to extract
28 individuals in distress.

29 (8) Medical assistance is promptly provided, if properly trained
30 personnel are present, or procured, for injured persons, when it is
31 reasonable and safe to do so.

32 (9) Kinetic energy projectiles shall not be aimed at the head,
33 neck, or any other vital organs.

34 (10) Kinetic energy projectiles or chemical agents shall not be
35 used by any law enforcement agency solely due to any of the
36 following:

37 (A) A violation of an imposed curfew.

38 (B) A verbal threat.

39 (C) Noncompliance with a law enforcement directive.

(11) If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

(c) This section does not prevent a law enforcement agency from adopting more stringent policies.

(d) For the purposes of this section, the following terms have the following meanings:

(1) “Kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

(2) “Chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

(e) This section does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation.

~~SEC. 62.~~

SEC. 61. Section 13652.1 of the Penal Code is amended to read:

13652.1. (a) Each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control. However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

(b) For each incident reported under subdivision (a), the summary shall be limited to that information known to the agency at the time of the report and shall include only the following:

1 (1) A description of the assembly, protest, demonstration, or
2 incident, including the approximate crowd size and the number of
3 officers involved.

4 (2) The type of kinetic energy projectile or chemical agent
5 deployed.

6 (3) The number of rounds or quantity of chemical agent
7 dispersed, as applicable.

8 (4) The number of documented injuries as a result of the kinetic
9 energy projectile or chemical agent deployment.

10 (5) The justification for using the kinetic energy projectile or
11 chemical agent, including any de-escalation tactics or protocols
12 and other measures that were taken at the time of the event to
13 de-escalate tensions and avoid the necessity of using the kinetic
14 energy projectile or chemical agent.

15 (c) The Department of Justice shall post on its internet website
16 a compiled list linking each law enforcement agency's reports
17 posted pursuant to subdivision (a).

18 ~~SEC. 63.~~

19 *SEC. 62.* Section 18108 of the Penal Code is amended to read:

20 18108. (a) Each municipal police department and county
21 sheriff's department, the Department of the California Highway
22 Patrol, and the University of California and California State
23 University Police Departments shall, on or before January 1, 2021,
24 develop, adopt, and implement written policies and standards
25 relating to gun violence restraining orders. The policies and
26 standards shall be updated, as necessary, to incorporate changes
27 in the law governing gun violence restraining orders.

28 (b) (1) The policies and standards shall instruct officers on the
29 use of gun violence restraining orders in appropriate situations to
30 prevent future violence involving a firearm and shall encourage
31 the use of de-escalation practices for officer and civilian safety
32 when responding to incidents involving a firearm.

33 (2) The policies and standards shall instruct officers on the types
34 of evidence a court considers in determining whether grounds exist
35 for issuance of a gun violence restraining order pursuant to Section
36 18155.

37 (3) The policies and standards shall instruct officers to consider
38 whether a gun violence restraining order may be necessary during
39 a response to any residence that is associated with a firearm
40 registration or record, during a response in which a firearm is

1 present, or during a response in which one of the involved parties
2 owns or possesses a firearm, or expressed an intent to acquire a
3 firearm. The policies and standards should also inform officers
4 about the different procedures and protections afforded by different
5 types of firearm-prohibiting emergency protective orders that are
6 available to law enforcement petitioners and provide examples of
7 situations in which each type of emergency protective order is
8 most appropriate.

9 (4) The policies and standards should also instruct officers to
10 consider whether a gun violence restraining order may be necessary
11 during a contact with a person exhibiting mental health issues,
12 including suicidal thoughts, statements, or actions, if that person
13 owns or possesses a firearm or expressed an intent to acquire a
14 firearm. The policies and standards shall encourage officers
15 encountering situations in which there is reasonable cause to
16 believe that the person poses an immediate and present danger of
17 causing personal injury to themselves or another person by having
18 custody or control of a firearm to consider obtaining a mental
19 health evaluation of the person by a medically trained professional
20 or to detain the person for mental health evaluation pursuant to
21 agency policy relating to Section 5150 of the Welfare and
22 Institutions Code. The policies and standards should reflect the
23 policy of the agency to prevent access to firearms by persons who,
24 due to mental health issues, pose a danger to themselves or to
25 others by owning or possessing a firearm. The policies and
26 standards should encourage officers to provide information about
27 mental health referral services during a contact with a person
28 exhibiting mental health issues.

29 (c) The written policies and standards developed pursuant to
30 this section shall be consistent with any gun violence restraining
31 order training administered by the Commission on Peace Officer
32 Standards and Training, and shall include all of the following:

33 (1) Standards and procedures for requesting and serving a
34 temporary emergency gun violence restraining order, including
35 standards and procedures for determining prior to the expiration
36 of a temporary emergency gun violence restraining order whether
37 the subject of the temporary emergency gun violence restraining
38 order presents an ongoing increased risk for violence so that a gun
39 violence restraining order issued after notice and hearing may be
40 necessary.

(2) Standards and procedures for requesting and serving an ex parte gun violence restraining order, including standards and procedures for determining prior to the expiration of an ex parte gun violence restraining order whether the subject of the ex parte gun violence restraining order presents an ongoing increased risk for violence so that a gun violence restraining order issued after notice and hearing may be necessary.

(3) Standards and procedures for requesting and serving a gun violence restraining order issued after notice and hearing.

(4) Standards and procedures for the seizure of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.

(5) Standards and procedures for verifying or ensuring the removal of firearms and ammunition from the subject of a gun violence restraining order.

(6) Standards and procedures for obtaining and serving a search warrant for firearms and ammunition.

(7) Responsibility of officers to attend gun violence restraining order hearings and diligently participate in the evidence presentation process.

(8) Standards and procedures for requesting renewals of expiring gun violence restraining orders.

(9) Standards and procedures for storing firearms surrendered pursuant to a gun violence restraining order.

(10) Standards and procedures for returning firearms upon the termination of a gun violence restraining order, including verification that the respondent is not otherwise legally prohibited from possessing firearms.

(11) Standards and procedures for addressing violations of a gun violence restraining order.

(d) Municipal police departments, county sheriff's departments, the Department of the California Highway Patrol, and the University of California and California State University Police Departments are encouraged, but not required by this section, to train officers on standards and procedures implemented pursuant to this section, and may incorporate these standards and procedures into an academy course, preexisting annual training, or other continuing education program. Municipal police departments, county sheriff's departments, the Department of the California Highway Patrol, and the University of California and California

1 State University police departments shall make information about
2 standards and policies implemented pursuant to this section
3 available to all officers.

4 (e) In developing and updating these policies and standards,
5 law enforcement agencies are encouraged to consult with gun
6 violence prevention experts, mental health professionals, domestic
7 violence service providers, and other community-based
8 organizations.

9 (f) Policies developed pursuant to this section shall be made
10 available to the public upon request.

11 ~~SEC. 64.~~

12 *SEC. 63.* Section 6108 of the Public Contract Code is amended
13 to read:

14 6108. (a) (1) Every contract entered into by any state agency
15 for the procurement or laundering of apparel, garments, or
16 corresponding accessories, or the procurement of equipment,
17 materials, or supplies, other than procurement related to a public
18 works contract, shall require that a contractor certify that no
19 apparel, garments, corresponding accessories, equipment, materials,
20 or supplies furnished to the state pursuant to the contract have been
21 laundered or produced in whole or in part by sweatshop labor,
22 forced labor, convict labor, indentured labor under penal sanction,
23 abusive forms of child labor, or exploitation of children in
24 sweatshop labor, or with the benefit of sweatshop labor, forced
25 labor, convict labor, indentured labor under penal sanction, abusive
26 forms of child labor, or exploitation of children in sweatshop labor.
27 The contractor shall agree to comply with this provision of the
28 contract.

29 (2) The contract shall specify that the contractor is required to
30 cooperate fully in providing reasonable access to the contractor's
31 records, documents, agents, employees, or premises if reasonably
32 required by authorized officials of the contracting agency, the
33 Department of Industrial Relations, or the Department of Justice
34 determine the contractor's compliance with the requirements under
35 paragraph (1).

36 (b) (1) Any contractor contracting with the state who knew or
37 should have known that the apparel, garments, corresponding
38 accessories, equipment, materials, or supplies furnished to the state
39 were laundered or produced in violation of the conditions specified
40 in subdivision (a) when entering into a contract pursuant to

subdivision (a), may, subject to subdivision (c), have any or all of the following sanctions imposed:

(A) The contract under which the prohibited apparel, garments, or corresponding accessories, equipment, materials, or supplies were laundered or provided may be voided at the option of the state agency to which the equipment, materials, or supplies were provided.

(B) The contractor may be assessed a penalty that shall be the greater of one thousand dollars (\$1,000) or an amount equaling 20 percent of the value of the apparel, garments, corresponding accessories, equipment, materials, or supplies that the state agency demonstrates were produced in violation of the conditions specified in paragraph (1) of subdivision (a) and that were supplied to the state agency under the contract.

(C) The contractor may be removed from the bidder's list for a period not to exceed 360 days.

(2) Any moneys collected pursuant to this subdivision shall be deposited into the General Fund.

(c) (1) When imposing the sanctions described in subdivision (b), the contracting agency shall notify the contractor of the right to a hearing, if requested, within 15 days of the date of the notice. The hearing shall be before an administrative law judge of the Office of Administrative Hearings in accordance with the procedures specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The administrative law judge shall take into consideration any measures the contractor has taken to ensure compliance with this section, and may waive any or all of the sanctions if it is determined that the contractor has acted in good faith.

(2) The agency shall be assessed the cost of the administrative hearing, unless the agency has prevailed in the hearing, in which case the contractor shall be assessed the cost of the hearing.

(d) (1) Any state agency that investigates a complaint against a contractor for violation of this section may limit its investigation to evaluating the information provided by the person or entity submitting the complaint and the information provided by the contractor.

(2) Whenever a contracting officer of the contracting agency has reason to believe that the contractor failed to comply with paragraph (1) of subdivision (a), the agency shall refer the matter

1 for investigation to the head of the agency and, as the head of the
2 agency determines appropriate, to either the Director of Industrial
3 Relations or the Department of Justice.

4 (e) (1) For purposes of this section, “forced labor” shall have
5 the same meaning as in Section 1307 of Title 19 of the United
6 States Code.

7 (2) “Abusive forms of child labor” means any of the following:

8 (A) All forms of slavery or practices similar to slavery, such as
9 the sale and trafficking of children, debt bondage, and serfdom
10 and forced or compulsory labor, including forced or compulsory
11 recruitment of children for use in armed conflict.

12 (B) The use, procuring, or offering of a child for prostitution,
13 for the production of pornography, or for pornographic
14 performances.

15 (C) The use, procuring, or offering of a child for illicit activities,
16 in particular for the production and trafficking of illicit drugs.

17 (D) All work or service exacted from or performed by any
18 person under the age of 18 years either under the menace of any
19 penalty for its nonperformance and for which the worker does not
20 offer oneself voluntarily, or under a contract, the enforcement of
21 which can be accomplished by process or penalties.

22 (E) All work or service exacted from or performed by a child
23 in violation of all applicable laws of the country of manufacture
24 governing the minimum age of employment, compulsory education,
25 and occupational health and safety.

26 (3) “Exploitation of children in sweatshop labor” means all
27 work or service exacted from or performed by any person under
28 the age of 18 years in violation of more than one law of the country
29 of manufacture governing wage and benefits, occupational health
30 and safety, nondiscrimination, and freedom of association.

31 (4) “Sweatshop labor” means all work or service exacted from
32 or performed by any person in violation of more than one law of
33 the country of manufacture governing wages, employee benefits,
34 occupational health, occupational safety, nondiscrimination, or
35 freedom of association.

36 (5) “Apparel, garments, or corresponding accessories” includes,
37 but is not limited to, uniforms.

38 (6) Notwithstanding any other provision of this section, “forced
39 labor” and “convict labor” do not include work or services

1 performed by an inmate or a person employed by the California
2 Correctional Training and Rehabilitation Authority.

3 (7) “State agency” means any state agency in this state.

4 (f) (1) On or before February 1, 2004, the Department of
5 Industrial Relations shall establish a contractor responsibility
6 program, including a Sweatfree Code of Conduct, to be signed by
7 all bidders on state contracts and subcontracts. Any state agency
8 responsible for procurement shall ensure that the Sweatfree Code
9 of Conduct is available for public review at least 30 calendar days
10 between the dates of receipt and the final award of the contract.
11 The Sweatfree Code of Conduct shall list the requirements that
12 contractors are required to meet, as set forth in subdivision (g).

13 (2) Upon implementation in the manner described in paragraph
14 (4), every contract entered into by any state agency for the
15 procurement or laundering of apparel, garments, or corresponding
16 accessories, or for the procurement of equipment or supplies, shall
17 require that the contractor certify in accordance with the Sweatfree
18 Code of Conduct that no apparel, garments, or corresponding
19 accessories, or equipment, materials, or supplies, furnished to the
20 state pursuant to the contract have been laundered or produced, in
21 whole or in part, by sweatshop labor.

22 (3) The appropriate procurement agency, in consultation with
23 the Director of Industrial Relations, shall employ a phased and
24 targeted approach to implementing the Sweatfree Code of Conduct.
25 Sweatfree Code of Conduct procurement policies involving apparel,
26 garments, and corresponding accessories may be permitted a
27 phasein period of up to one year for purposes of feasibility and
28 providing sufficient notice to contractors and the general public.
29 The appropriate procurement agency, in consultation with the
30 Director of Industrial Relations, shall target other procurement
31 categories based on the magnitude of verified sweatshop conditions
32 and the feasibility of implementation, and may set phasein goals
33 and timetables of up to three years to achieve compliance with the
34 principles of the Sweatfree Code of Conduct.

35 (4) In order to facilitate compliance with the Sweatfree Code
36 of Conduct, the Department of Industrial Relations shall explore
37 mechanisms employed by other governmental entities, including,
38 but not limited to, New Jersey Executive Order No. 20, of 2002,
39 to ensure that businesses that contract with this state are in
40 compliance with this section and any regulations or requirements

1 promulgated in conformance with this section, as amended by
2 Section 2 of Chapter 711 of the Statutes of 2003. The mechanisms
3 explored may include, but not be limited to, authorization to
4 contract with a competent nonprofit organization that is neither
5 funded nor controlled, in whole or in part, by a corporation that is
6 engaged in the procurement or laundering of apparel, garments,
7 or corresponding accessories, or the procurement of equipment,
8 materials, or supplies. The Department of Industrial Relations, in
9 complying with this paragraph, shall also consider any feasible
10 and cost-effective monitoring measures that will encourage
11 compliance with the Sweatfree Code of Conduct.

12 (5) To ensure public access and confidence, the Department of
13 Industrial Relations shall ensure public awareness and access to
14 proposed contracts by postings on the Internet and through
15 communication to advocates for garment workers, unions, and
16 other interested parties. The appropriate agencies shall establish
17 a mechanism for soliciting and reviewing any information
18 indicating violations of the Sweatfree Code of Conduct by
19 prospective or current bidders, contractors, or subcontractors. The
20 agencies shall make their findings public when they reject
21 allegations against bidding or contracting parties.

22 (6) Contractors shall ensure that their subcontractors comply in
23 writing with the Sweatfree Code of Conduct, under penalty of
24 perjury. Contractors shall attach a copy of the Sweatfree Code of
25 Conduct to the certification required by subdivision (a).

26 (g) No state agency may enter into a contract with any contractor
27 unless the contractor meets the following requirements:

28 (1) Contractors and subcontractors in California shall comply
29 with all appropriate state laws concerning wages, workplace safety,
30 rights to association and assembly, and nondiscrimination standards
31 as well as appropriate federal laws. Contractors based in other
32 states in the United States shall comply with all appropriate laws
33 of their states and appropriate federal laws. For contractors whose
34 locations for manufacture or assembly are outside the United States,
35 those contractors shall ensure that their subcontractors comply
36 with the appropriate laws of countries where the facilities are
37 located.

38 (2) Contractors and subcontractors shall maintain a policy of
39 not terminating any employee except for just cause, and employees
40 shall have access to a mediator or to a mediation process to resolve

1 certain workplace disputes that are not regulated by the National
2 Labor Relations Board.

3 (3) Contractors and subcontractors shall ensure that workers
4 are paid, at a minimum, wages and benefits in compliance with
5 applicable local, state, and national laws of the jurisdiction in which
6 the labor, on behalf of the contractor or subcontractor, is performed.
7 Whenever a state agency expends funds for the procurement or
8 laundering of apparel, garments, or corresponding accessories, or
9 the procurement of equipment, materials, or supplies, other than
10 procurement related to a public works contract, the applicable
11 labor standards established by the local jurisdiction through the
12 exercise of either local police powers or local spending powers in
13 which the labor, in compliance with the contract or purchase order
14 for which the expenditure is made, is performed shall apply with
15 regard to the contract or purchase order for which the expenditure
16 is made, unless the applicable local standards are in conflict with,
17 or are explicitly preempted by, state law. A state agency may not
18 require, as a condition for the receipt of state funds or assistance,
19 that a local jurisdiction refrain from applying the labor standards
20 that are otherwise applicable to that local jurisdiction. The
21 Department of Industrial Relations may, without incurring
22 additional expenses, access information from any nonprofit
23 organization, including, but not limited to, the World Bank, that
24 gathers and disseminates data with respect to wages paid
25 throughout the world, to allow the Department of Industrial
26 Relations to determine whether contractors and subcontractors are
27 compensating their employees at a level that enables those
28 employees to live above the applicable poverty level.

29 (4) All contractors and subcontractors shall comply with the
30 overtime laws and regulations of the country in which their
31 employees are working.

32 (5) All overtime hours shall be worked voluntarily. Workers
33 shall be compensated for overtime at either (A) the rate of
34 compensation for regular hours of work, or (B) as legally required
35 in the country of manufacture, whichever is greater.

36 (6) No person may be employed who is younger than the legal
37 age for children to work in the country in which the facility is
38 located. In no case may children under the age of 15 years be
39 employed in the manufacturing process. Where the age for
40 completing compulsory education is higher than the standard for

1 the minimum age of employment, the age for completing education
2 shall apply to this section.

3 (7) There may be no form of forced labor of any kind, including
4 slave labor, prison labor, indentured labor, or bonded labor,
5 including forced overtime hours.

6 (8) The work environment shall be safe and healthy and, at a
7 minimum, be in compliance with relevant local, state, and national
8 laws. If residential facilities are provided to workers, those facilities
9 shall be safe and healthy as well.

10 (9) There may be no discrimination in hiring, salary, benefits,
11 performance evaluation, discipline, promotion, retirement, or
12 dismissal on the basis of age, sex, pregnancy, maternity leave
13 status, marital status, race, nationality, country of origin, ethnic
14 origin, disability, sexual orientation, gender identity, religion, or
15 political opinion.

16 (10) No worker may be subjected to any physical, sexual,
17 psychological, or verbal harassment or abuse, including corporal
18 punishment, under any circumstances, including, but not limited
19 to, retaliation for exercising their right to free speech and assembly.

20 (11) No worker may be forced to use contraceptives or take
21 pregnancy tests. No worker may be exposed to chemicals, including
22 glues and solvents, that endanger reproductive health.

23 (12) Contractors and bidders shall list the names and addresses
24 of each subcontractor to be utilized in the performance of the
25 contract, and list each manufacturing or other facility or operation
26 of the contractor or subcontractor for performance of the contract.
27 The list, which shall be maintained and updated to show any
28 changes in subcontractors during the term of the contract, shall
29 provide company names, owners or officers, addresses, telephone
30 numbers, e-mail addresses, and the nature of the business
31 association.

32 (h) Any person who certifies as true any material matter pursuant
33 to this section that they know to be false is guilty of a misdemeanor.

34 (i) The provisions of this section, as amended by Section 2 of
35 Chapter 711 of the Statutes of 2003, shall be in addition to any
36 other provisions that authorize the prosecution and enforcement
37 of local labor laws and may not be interpreted to prohibit a local
38 prosecutor from bringing a criminal or civil action against an
39 individual or business that violates the provisions of this section.

(j) (1) The certification requirements set forth in subdivisions (a) and (f) do not apply to a credit card purchase of goods of two thousand five hundred dollars (\$2,500) or less.

(2) The total amount of exemption authorized herein shall not exceed seven thousand five hundred dollars (\$7,500) per year for each company from which a state agency is purchasing goods by credit card. It shall be the responsibility of each state agency to monitor the use of this exemption and adhere to these restrictions on these purchases.

~~SEC. 65.~~

SEC. 64. Section 10103.5 of the Public Contract Code is amended to read:

10103.5. Work performed by prisoners pursuant to an order by the Secretary of the Department of Corrections and Rehabilitation or by the California Correctional Training and Rehabilitation Authority is not subject to this chapter, provided that the total cost of a project for the construction of new, previously unoccupied prison facilities or additions to an existing facility shall not exceed fifty thousand dollars (\$50,000) unless it is first approved by the State Public Works Board.

~~SEC. 66.~~

SEC. 65. Section 10332 of the Public Contract Code is amended to read:

10332. Any state agency that receives delegated authority to acquire goods shall be authorized, at a minimum, to make the following types of acquisitions:

(a) Acquisitions not exceeding the dollar value established pursuant to Section 10330.

(b) Acquisitions in any amount of goods available under an unexpired statewide or regional contract. Acquisitions of goods for which a valid statewide or regional contract is in effect may not be made, without the approval of the office, from a supplier other than the supplier with whom the state has a valid contract.

(c) Acquisitions in any amount of goods that state agencies are required, by Section 2807 of the Penal Code, to acquire from the California Correctional Training and Rehabilitation Authority.

(d) Acquisitions not exceeding the dollar amount, established pursuant to Section 10330, of goods designated in price schedules that the office has established with suppliers. Acquisitions not exceeding the dollar amount, established pursuant to Section 10330,

1 of goods designated in price schedules may be made from a
2 supplier other than the supplier specified on a price schedule if
3 another supplier offers the same or equivalent goods at a price
4 lower than the price established in the price schedule. The agency
5 shall notify the office prior to making the acquisition. The
6 acquisition may be made 48 hours after receipt of the notice by
7 the office unless the office advises the agency that the goods to be
8 acquired are not the same or equivalent to the goods specified on
9 a price schedule.

10 (e) Acquisitions not exceeding the dollar value, established
11 pursuant to Section 10330, of goods that are available from the
12 state warehouses but which the state agency can acquire from
13 another supplier at a price lower than the price charged by the
14 department. The agency shall notify the office prior to making the
15 acquisition. The acquisition may be made 48 hours after receipt
16 of the notice by the office unless the office advises the agency that
17 the goods to be acquired are not the same or equivalent to the goods
18 available from the state warehouses.

19 ~~SEC. 67.~~

20 *SEC. 66.* Section 12217 of the Public Contract Code is amended
21 to read:

22 12217. (a) State agency procurement and contracting officers,
23 or their designees, from all agencies shall participate in annual
24 mandatory training that is conducted by CalRecycle. The training
25 may be web-based and shall provide a complete review of the
26 benefits of SABRC purchases, how to locate qualifying products,
27 how to report information, and how to explain benefits and
28 requirements to other employees making purchasing decisions.

29 (b) If a state agency does not meet SABRC purchasing
30 requirements in each product category, CalRecycle shall report
31 the state agency to the department.

32 (c) In determining purchasing specifications, with the exception
33 of any specifications that have been established to preserve the
34 public health and safety, all state purchasing specifications shall
35 be established in a manner that results in the maximum state
36 purchase of recycled products.

37 (d) (1) If a recycled product, as defined in subdivision (h) of
38 Section 12200, costs more than the same product made with virgin
39 material, the state agency shall, if feasible, purchase fewer of those
40 more costly products or apply the cost savings, if any, gained from

1 buying other recycled products towards the purchase of those more
2 costly products to meet the solid waste diversion goals of Section
3 41780.

4 (2) If a recycled product, as defined in subdivision (h) of Section
5 12200 has special performance requirements necessary for the
6 protection of public safety, as defined by the Department of General
7 Services, the state agency may purchase that product made with
8 virgin material. For the purposes of this paragraph, public safety
9 includes, but is not limited to, structural steel coatings, traffic paint
10 applications, and roadway safety devices.

11 (e) Each state agency shall establish purchasing practices that
12 ensure the purchase of goods and materials that may be recycled
13 or reused. Each state agency shall continue activities for the
14 collection, separation, and recycling of recyclable materials and
15 may appoint a recycling coordinator to assist in implementing this
16 section. Alternatively, a state contract may require that the vendor
17 take back the product for proper management after it has been
18 used. Upon request by a state agency, CalRecycle shall offer advice
19 and recommendations regarding products and situations in which
20 a take-back requirement is appropriate.

21 (f) To assist the state in meeting the requirements of this article,
22 each state agency, and the department, in consultation with
23 CalRecycle, may also establish recycled product-only bids,
24 cooperative purchasing arrangements, or other mechanisms to
25 meet the requirements for recycled products and to encourage the
26 maximum state purchase of recycled products.

27 (g) The department, in consultation with CalRecycle, shall
28 review and revise the purchasing specifications and contract
29 documents used by state agencies in order to eliminate restrictive
30 specifications and discrimination against the purchase of
31 remanufactured or recycled products and to ensure that they are
32 drafted in a manner that results in the maximum state purchase of
33 remanufactured recycled products. All contract provisions
34 impeding the consideration of recycled products shall be deleted
35 in favor of performance standards. Remanufactured products shall
36 conform to performance standards to ensure they are essentially
37 equivalent to new products that perform the same function.

38 (h) (1) In order for state agencies to easily procure
39 SABRC-compliant products, ensure their success in the program,
40 and support the recycled content industry, the department and the

1 California Correctional Training and Rehabilitation Authority shall
2 prioritize the use of recycled content products.

3 (2) The department shall continue to make products that meet
4 the SABRC postconsumer minimum percentage requirements
5 available through statewide contracts, and provide information to
6 state agencies regarding contracted products that meet these
7 requirements.

8 (3) The California Correctional Training and Rehabilitation
9 Authority, in collaboration with CalRecycle, shall make every
10 attempt to procure parts that meet the SABRC postconsumer
11 minimum percentage requirements for the products it creates and
12 sells to state agencies.

13 (i) Any state agency that is required to submit an SABRC report
14 to CalRecycle, pursuant to Section 12211, is subject to a review
15 conducted by CalRecycle or its designee.

16 ~~SEC. 68.~~

17 *SEC. 67.* Section 4953 of the Public Resources Code is
18 amended to read:

19 4953. (a) The department shall utilize inmates and wards
20 assigned to conservation camps in performing fire prevention, fire
21 control, and other work of the department. At times it deems proper
22 and on terms it deems wise, the department may enter into contracts
23 or cooperative agreements with a public agency, local, state, or
24 federal, or with a qualified nonprofit organization that has a
25 demonstrated ability to plan, implement, and complete a
26 conservation project and meets other criteria, as determined by the
27 department, for the performance of other conservation projects
28 that are appropriate for those public agencies or that nonprofit
29 organization under policies that shall be established by the
30 California Correctional Training and Rehabilitation Authority.
31 The charge for the service shall be determined by the director. All
32 these contracts are subject to the approval of the director and the
33 Director of General Services.

34 (b) For the purposes of this section, “nonprofit organization”
35 means any California corporation exempt from taxation under
36 Section 501(c)(3), 501(c)(4), or 501(c)(5) of the federal Internal
37 Revenue Code.

38 ~~SEC. 69.~~

39 *SEC. 68.* Section 42989.2.1 of the Public Resources Code is
40 amended to read:

1 42989.2.1. (a) Mattresses manufactured by the California
2 Correctional Training and Rehabilitation Authority and purchased
3 by the state or its agencies are exempt from collecting and remitting
4 the mattress recycling charge and from any end-of-life financial
5 incentive established by the mattress recycling organization for
6 used mattresses pursuant to subdivision (k) of Section 42987.1.
7 Mattresses sold subject to this exemption shall be permanently
8 marked or labeled to clearly identify them as having been
9 manufactured by the California Correctional Training and
10 Rehabilitation Authority.

11 (b) The California Correctional Training and Rehabilitation
12 Authority shall, upon the request of the department or mattress
13 recycling organization, report how many mattresses it manufactured
14 and sold in the previous fiscal year and the customers that
15 purchased those mattresses. To the extent reasonably possible, the
16 California Correctional Training and Rehabilitation Authority,
17 upon request by the department or the mattress recycling
18 organization, shall report how its customers are disposing of their
19 used mattresses and estimate what percentage are being landfilled
20 and recycled or renovated.

21 (c) The mattress recycling organization's obligation under this
22 chapter to recycle mattresses manufactured by the California
23 Correctional Training and Rehabilitation Authority is limited to
24 any services for which the authority has specifically contracted
25 with the mattress recycling organization for that purpose. The
26 mattress recycling organization may refuse to recycle or pay
27 financial incentives on any California Correctional Training and
28 Rehabilitation Authority-manufactured mattress that is exempted
29 from collecting and remitting the mattress recycling fee.

30 (d) Mattresses exempt pursuant to subdivision (a) and all
31 discards of mattresses previously manufactured by the California
32 Correctional Training and Rehabilitation Authority shall be
33 excluded from the goal-setting analysis required by Section
34 42987.5.

35 ~~SEC. 70.~~

36 *SEC. 69.* Section 99243 of the Public Utilities Code is amended
37 to read:

38 99243. (a) The Controller, in cooperation with the department
39 and the operators, shall design and adopt a uniform system of
40 accounts and records, from which the operators shall prepare and

submit annual reports of their operation to transportation planning agencies, county transportation commissions, or the San Diego Metropolitan Transit Development Board having jurisdiction over them and to the Controller within seven months after the end of the fiscal year. The report shall contain underlying data from audited financial statements prepared in accordance with generally accepted accounting principles, if this data is available. The report shall specify (1) the amount of revenue generated from each source and its application for the prior fiscal year, and (2) the data necessary to determine which section, with respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, and 99268.9, the operator is required to be in compliance in order to be eligible for funds under this article.

(b) (1) For the purposes of the State Transit Assistance Program, which is governed by Sections 99312 to 99314.9, inclusive, the Controller shall provide a mechanism for each transportation planning agency, county transportation commission, and the San Diego Metropolitan Transit Development Board to report to the Controller those operators within its jurisdiction that are STA-eligible operators, as defined in paragraph (2) of subdivision (b) of Section 99312.2.

(2) The mechanism shall require each transportation planning agency, county transportation commission, and the San Diego Metropolitan Transit Development Board to report to the Controller those STA-eligible operators within its jurisdiction that are both:

(A) Eligible to claim local transportation funds under either Article 4 (commencing with Section 99260) or Article 8 (commencing with Section 99400), or under both articles.

(B) A public transportation operator, as defined in paragraph (1) of subdivision (b) of Section 99312.2.

(3) The Controller shall rely upon that verification to determine whether or not an operator is an STA-eligible operator pursuant to paragraph (2) of subdivision (b) of Section 99312.2. The transportation planning agency, county transportation commission, and the San Diego Metropolitan Transit Development Board shall provide this information to the Controller within seven months after the end of each fiscal year.

(c) As a supplement to the annual report prepared pursuant to subdivision (a), each operator shall include an estimate of the amount of revenues to be generated from each source and its

1 proposed application for the next fiscal year, and a report on the
2 extent to which it has contracted with the California Correctional
3 Training and Rehabilitation Authority, including the nature and
4 dollar amounts of all contracts entered into during the reporting
5 period and proposed for the next reporting period.

6 (d) The Controller shall instruct the county auditor to withhold
7 payments from the fund to an operator that has not submitted its
8 annual report to the Controller within the time specified by
9 subdivision (a).

10 (e) In establishing the uniform system of accounts and records,
11 the Controller shall include the data required by the United States
12 Department of Transportation and the department.

13 (f) Notwithstanding any other law or any regulation, including
14 any California Code of Regulations provision, the City of El
15 Segundo, the City of Huntington Beach, the City of Inglewood,
16 the City of Long Beach, or the City of South Lake Tahoe may
17 select, for purposes of this chapter, on a one-time basis, a fiscal
18 year that does not end on June 30. After the city has sent a written
19 notice to the Secretary of Transportation and the Controller that
20 the city has selected a fiscal year other than one ending on June
21 30, the fiscal year selected by the city shall be its fiscal year for
22 all reports required by the state under this chapter.

23 ~~SEC. 71.~~

24 *SEC. 70.* Section 1095 of the Unemployment Insurance Code
25 is amended to read:

26 1095. The director shall permit the use of any information in
27 the director's possession to the extent necessary for any of the
28 following purposes, and may require reimbursement for all direct
29 costs incurred in providing any and all information specified in
30 this section, except information specified in subdivisions (a) to
31 (e), inclusive:

32 (a) To enable the director or the director's representative to
33 carry out their responsibilities under this code.

34 (b) To properly present a claim for benefits.

35 (c) To acquaint a worker or their authorized agent with the
36 worker's existing or prospective right to benefits.

37 (d) To furnish an employer or their authorized agent with
38 information to enable the employer to fully discharge their
39 obligations or safeguard their rights under this division or Division
40 3 (commencing with Section 9000).

1 (e) To enable an employer to receive a reduction in contribution
2 rate.

3 (f) To enable federal, state, or local governmental departments
4 or agencies, subject to federal law, to verify or determine the
5 eligibility or entitlement of an applicant for, or a recipient of, public
6 social services provided pursuant to Division 9 (commencing with
7 Section 10000) of the Welfare and Institutions Code, or Part A of
8 Subchapter IV of the federal Social Security Act (42 U.S.C. Sec.
9 601 et seq.), and state or federal subsidies offered through the
10 California Health Benefit Exchange provided pursuant to Title 22
11 (commencing with Section 100500) of the Government Code,
12 when the verification or determination is directly connected with,
13 and limited to, the administration of public social services.

14 (g) To enable county administrators of general relief or
15 assistance, or their representatives, to determine entitlement to
16 locally provided general relief or assistance, when the
17 determination is directly connected with, and limited to, the
18 administration of general relief or assistance.

19 (h) To enable state or local governmental departments or
20 agencies to seek criminal, civil, or administrative remedies in
21 connection with the unlawful application for, or receipt of, relief
22 provided under Division 9 (commencing with Section 10000) of
23 the Welfare and Institutions Code or to enable the collection of
24 expenditures for medical assistance services pursuant to Part 5
25 (commencing with Section 17000) of Division 9 of the Welfare
26 and Institutions Code.

27 (i) To provide any law enforcement agency with the name,
28 address, telephone number, birth date, social security number,
29 physical description, and names and addresses of present and past
30 employers, of any victim, suspect, missing person, potential
31 witness, or person for whom a felony arrest warrant has been
32 issued, when a request for this information is made by any
33 investigator or peace officer as defined by Sections 830.1 and
34 830.2 of the Penal Code, or by any federal law enforcement officer
35 to whom the Attorney General has delegated authority to enforce
36 federal search warrants, as defined under Sections 60.2 and 60.3
37 of Title 28 of the Code of Federal Regulations, as amended, and
38 when the requesting officer has been designated by the head of
39 the law enforcement agency and requests this information in the
40 course of and as a part of an investigation into the commission of

1 a crime when there is a reasonable suspicion that the crime is a
2 felony and that the information would lead to relevant evidence.
3 The information provided pursuant to this subdivision shall be
4 provided to the extent permitted by federal law and regulations,
5 and to the extent the information is available and accessible within
6 the constraints and configurations of existing department records.
7 Any person who receives any information under this subdivision
8 shall make a written report of the information to the law
9 enforcement agency that employs the person, for filing under the
10 normal procedures of that agency.

11 (1) This subdivision shall not be construed to authorize the
12 release to any law enforcement agency of a general list identifying
13 individuals applying for or receiving benefits.

14 (2) The department shall maintain records pursuant to this
15 subdivision only for periods required under regulations or statutes
16 enacted for the administration of its programs.

17 (3) This subdivision shall not be construed as limiting the
18 information provided to law enforcement agencies to that pertaining
19 only to applicants for, or recipients of, benefits.

20 (4) The department shall notify all applicants for benefits that
21 release of confidential information from their records will not be
22 protected should there be a felony arrest warrant issued against
23 the applicant or in the event of an investigation by a law
24 enforcement agency into the commission of a felony.

25 (j) To provide public employee retirement systems in California
26 with information relating to the earnings of any person who has
27 applied for or is receiving a disability income, disability allowance,
28 or disability retirement allowance, from a public employee
29 retirement system. The earnings information shall be released only
30 upon written request from the governing board specifying that the
31 person has applied for or is receiving a disability allowance or
32 disability retirement allowance from its retirement system. The
33 request may be made by the chief executive officer of the system
34 or by an employee of the system so authorized and identified by
35 name and title by the chief executive officer in writing.

36 (k) To enable the Division of Labor Standards Enforcement in
37 the Department of Industrial Relations to seek criminal, civil, or
38 administrative remedies in connection with the failure to pay, or
39 the unlawful payment of, wages pursuant to Chapter 1
40 (commencing with Section 200) of Part 1 of Division 2 of, and

Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of, the Labor Code.

(l) To enable federal, state, or local governmental departments or agencies to administer child support enforcement programs under Part D of Title IV of the federal Social Security Act (42 U.S.C. Sec. 651 et seq.).

(m) To provide federal, state, or local governmental departments or agencies with wage and claim information in its possession that will assist those departments and agencies in the administration of the Victims of Crime Program or in the location of victims of crime who, by state mandate or court order, are entitled to restitution that has been or can be recovered.

(n) To provide federal, state, or local governmental departments or agencies with information concerning any individuals who are or have been:

(1) Directed by state mandate or court order to pay restitution, fines, penalties, assessments, or fees as a result of a violation of law.

(2) Delinquent or in default on guaranteed student loans or who owe repayment of funds received through other financial assistance programs administered by those agencies. The information released by the director for the purposes of this paragraph shall not include unemployment insurance benefit information.

(o) To provide an authorized governmental agency with any and all relevant information that relates to any specific workers' compensation insurance fraud investigation. The information shall be provided to the extent permitted by federal law and regulations. For purposes of this subdivision, "authorized governmental agency" means the district attorney of any county, the office of the Attorney General, the Contractors State License Board, the Department of Industrial Relations, and the Department of Insurance. An authorized governmental agency may disclose this information to the State Bar of California, the Medical Board of California, or any other licensing board or department whose licensee is the subject of a workers' compensation insurance fraud investigation. This subdivision shall not prevent any authorized governmental agency from reporting to any board or department the suspected misconduct of any licensee of that body.

(p) To enable the Director of Consumer Affairs, or the director's representative, to access unemployment insurance quarterly wage

1 data on a case-by-case basis to verify information on school
2 administrators, school staff, and students provided by those schools
3 who are being investigated for possible violations of Chapter 8
4 (commencing with Section 94800) of Part 59 of Division 10 of
5 Title 3 of the Education Code.

6 (q) To provide employment tax information to the tax officials
7 of Mexico, if a reciprocal agreement exists. For purposes of this
8 subdivision, “reciprocal agreement” means a formal agreement to
9 exchange information between national taxing officials of Mexico
10 and taxing authorities of the State Board of Equalization, the
11 Franchise Tax Board, and the Employment Development
12 Department. Furthermore, the reciprocal agreement shall be limited
13 to the exchange of information that is essential for tax
14 administration purposes only. Taxing authorities of the State of
15 California shall be granted tax information only on California
16 residents. Taxing authorities of Mexico shall be granted tax
17 information only on Mexican nationals.

18 (r) To enable city and county planning agencies to develop
19 economic forecasts for planning purposes. The information shall
20 be limited to businesses within the jurisdiction of the city or county
21 whose planning agency is requesting the information, and shall
22 not include information regarding individual employees.

23 (s) To provide the State Department of Developmental Services
24 with wage and employer information that will assist in the
25 collection of moneys owed by the recipient, parent, or any other
26 legally liable individual for services and supports provided pursuant
27 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
28 and Chapter 2 (commencing with Section 7200) and Chapter 3
29 (commencing with Section 7500) of Division 7 of, the Welfare
30 and Institutions Code.

31 (t) To provide the State Board of Equalization with employment
32 tax information that will assist in the administration of tax
33 programs. The information shall be limited to the exchange of
34 employment tax information essential for tax administration
35 purposes to the extent permitted by federal law and regulations.

36 (u) This section shall not be construed to authorize or permit
37 the use of information obtained in the administration of this code
38 by any private collection agency.

39 (v) The disclosure of the name and address of an individual or
40 business entity that was issued an assessment that included

1 penalties under Section 1128 or 1128.1 shall not be in violation
2 of Section 1094 if the assessment is final. The disclosure may also
3 include any of the following:

4 (1) The total amount of the assessment.

5 (2) The amount of the penalty imposed under Section 1128 or
6 1128.1 that is included in the assessment.

7 (3) The facts that resulted in the charging of the penalty under
8 Section 1128 or 1128.1.

9 (w) To enable the Contractors State License Board to verify the
10 employment history of an individual applying for licensure
11 pursuant to Section 7068 of the Business and Professions Code.

12 (x) To provide any peace officer with the Division of
13 Investigation in the Department of Consumer Affairs information
14 pursuant to subdivision (i) when the requesting peace officer has
15 been designated by the Chief of the Division of Investigation and
16 requests this information in the course of and as part of an
17 investigation into the commission of a crime or other unlawful act
18 when there is reasonable suspicion to believe that the crime or act
19 may be connected to the information requested and would lead to
20 relevant information regarding the crime or unlawful act.

21 (y) To enable the Labor Commissioner of the Division of Labor
22 Standards Enforcement in the Department of Industrial Relations
23 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
24 uninsured employers. The information shall be provided to the
25 extent permitted by federal law and regulations.

26 (z) To enable the Chancellor of the California Community
27 Colleges, in accordance with the requirements of Section 84754.5
28 of the Education Code, to obtain quarterly wage data, commencing
29 January 1, 1993, on students who have attended one or more
30 community colleges, to assess the impact of education on the
31 employment and earnings of students, to conduct the annual
32 evaluation of district-level and individual college performance in
33 achieving priority educational outcomes, and to submit the required
34 reports to the Legislature and the Governor. The information shall
35 be provided to the extent permitted by federal statutes and
36 regulations.

37 (aa) To enable the Public Employees' Retirement System to
38 seek criminal, civil, or administrative remedies in connection with
39 the unlawful application for, or receipt of, benefits provided under

1 Part 3 (commencing with Section 20000) of Division 5 of Title 2
2 of the Government Code.

3 (ab) To enable the State Department of Education, the University
4 of California, the California State University, and the Chancellor
5 of the California Community Colleges, pursuant to the
6 requirements prescribed by the federal American Recovery and
7 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly
8 wage data, commencing July 1, 2010, on students who have
9 attended their respective systems to assess the impact of education
10 on the employment and earnings of those students, to conduct the
11 annual analysis of district-level and individual district or
12 postsecondary education system performance in achieving priority
13 educational outcomes, and to submit the required reports to the
14 Legislature and the Governor. The information shall be provided
15 to the extent permitted by federal statutes and regulations.

16 (ac) To provide the Agricultural Labor Relations Board with
17 employee, wage, and employer information, for use in the
18 investigation or enforcement of the
19 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations
20 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division
21 2 of the Labor Code). The information shall be provided to the
22 extent permitted by federal statutes and regulations.

23 (ad) (1) To enable the State Department of Health Care
24 Services, the California Health Benefit Exchange, the Managed
25 Risk Medical Insurance Board, and county departments and
26 agencies to obtain information regarding employee wages,
27 California employer names and account numbers, employer reports
28 of wages and number of employees, and disability insurance and
29 unemployment insurance claim information, for the purpose of:

30 (A) Verifying or determining the eligibility of an applicant for,
31 or a recipient of, state health subsidy programs, limited to the
32 Medi-Cal program provided pursuant to Chapter 7 (commencing
33 with Section 14000) of Part 3 of Division 9 of the Welfare and
34 Institutions Code, and the Medi-Cal Access Program provided
35 pursuant to Chapter 2 (commencing with Section 15810) of Part
36 3.3 of Division 9 of the Welfare and Institutions Code, when the
37 verification or determination is directly connected with, and limited
38 to, the administration of the state health subsidy programs
39 referenced in this subparagraph.

1 (B) Verifying or determining the eligibility of an applicant for,
2 or a recipient of, state or federal subsidies offered through the
3 California Health Benefit Exchange, provided pursuant to Title
4 22 (commencing with Section 100500) of the Government Code,
5 including federal tax credits and cost-sharing assistance pursuant
6 to the federal Patient Protection and Affordable Care Act (Public
7 Law 111-148), as amended by the federal Health Care and
8 Education Reconciliation Act of 2010 (Public Law 111-152), when
9 the verification or determination is directly connected with, and
10 limited to, the administration of the California Health Benefit
11 Exchange.

12 (C) Verifying or determining the eligibility of employees and
13 employers for health coverage through the Small Business Health
14 Options Program, provided pursuant to Section 100502 of the
15 Government Code, when the verification or determination is
16 directly connected with, and limited to, the administration of the
17 Small Business Health Options Program.

18 (2) The information provided under this subdivision shall be
19 subject to the requirements of, and provided to the extent permitted
20 by, federal law and regulations, including Part 603 of Title 20 of
21 the Code of Federal Regulations.

22 (ae) To provide any peace officer with the Investigations
23 Division of the Department of Motor Vehicles with information
24 pursuant to subdivision (i), when the requesting peace officer has
25 been designated by the Chief of the Investigations Division and
26 requests this information in the course of, and as part of, an
27 investigation into identity theft, counterfeiting, document fraud,
28 or consumer fraud, and there is reasonable suspicion that the crime
29 is a felony and that the information would lead to relevant evidence
30 regarding the identity theft, counterfeiting, document fraud, or
31 consumer fraud. The information provided pursuant to this
32 subdivision shall be provided to the extent permitted by federal
33 law and regulations, and to the extent the information is available
34 and accessible within the constraints and configurations of existing
35 department records. Any person who receives any information
36 under this subdivision shall make a written report of the
37 information to the Investigations Division of the Department of
38 Motor Vehicles, for filing under the normal procedures of that
39 division.

(af) Until January 1, 2020, to enable the Department of Finance to prepare and submit the report required by Section 13084 of the Government Code that identifies all employers in California that employ 100 or more employees who receive benefits from the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code). The information used for this purpose shall be limited to information obtained pursuant to Section 11026.5 of the Welfare and Institutions Code and from the administration of personal income tax wage withholding pursuant to Division 6 (commencing with Section 13000) and the disability insurance program and may be disclosed to the Department of Finance only for the purpose of preparing and submitting the report and only to the extent not prohibited by federal law.

(ag) To provide, to the extent permitted by federal law and regulations, the Student Aid Commission with wage information in order to verify the employment status of an individual applying for a Cal Grant C award pursuant to subdivision (c) of Section 69439 of the Education Code.

(ah) To enable the Department of Corrections and Rehabilitation to obtain quarterly wage data of former inmates who have been incarcerated within the prison system in order to assess the impact of rehabilitation services or the lack of these services on the employment and earnings of these former inmates. Quarterly data for a former inmate's employment status and wage history shall be provided for a period of one year, three years, and five years following release. The data shall only be used for the purpose of tracking outcomes for former inmates in order to assess the effectiveness of rehabilitation strategies on the wages and employment histories of those formerly incarcerated. The information shall be provided to the department to the extent not prohibited by federal law.

(ai) To enable federal, state, or local government departments or agencies, or their contracted agencies, subject to federal law, including the confidentiality, disclosure, and other requirements set forth in Part 603 of Title 20 of the Code of Federal Regulations, 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

1 Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation,
2 research, or forecast is directly connected with, and limited to, the
3 administration of the public social services programs.

4 (aj) (1) To enable the California Workforce Development
5 Board, the Chancellor of the California Community Colleges, the
6 Superintendent of Public Instruction, the Department of
7 Rehabilitation, the State Department of Social Services, the Bureau
8 for Private Postsecondary Education, the Department of Industrial
9 Relations, the Division of Apprenticeship Standards, the
10 Department of Corrections and Rehabilitation, the California
11 Correctional Training and Rehabilitation Authority, the
12 Employment Training Panel, and a chief elected official, as that
13 term is defined in Section 3102(9) of Title 29 of the United States
14 Code, to access any relevant quarterly wage data necessary for the
15 evaluation and reporting of their respective program performance
16 outcomes as required and permitted by various local, state, and
17 federal laws pertaining to performance measurement and program
18 evaluation, including responsibilities arising under Sections 14013,
19 14033, and 14042 of this code and Sections 2032 and 2038 of the
20 Streets and Highways Code; the federal Workforce Innovation and
21 Opportunity Act (Public Law 113-128); the workforce metrics
22 dashboard pursuant to paragraph (1) of subdivision (i) of Section
23 14013; the Adult Education Block Grant Program consortia
24 performance metrics pursuant to Section 84920 of the Education
25 Code; the economic and workforce development program
26 performance measures pursuant to Section 88650 of the Education
27 Code; and the California Community Colleges Economic and
28 Workforce Development Program performance measures
29 established in Part 52.5 (commencing with Section 88600) of
30 Division 7 of Title 3 of the Education Code. Disclosures under
31 this subdivision shall comply with federal and state privacy laws
32 that require the informed consent from program participants of
33 city and county departments or agencies that administer public
34 workforce development programs for the evaluation, research, or
35 forecast of their programs regardless of local, state, or federal
36 funding source.

37 (2) The department shall do all of the following:

38 (A) Consistent with this subdivision, develop the minimum
39 requirements for granting a request for disclosure of information

1 authorized by this subdivision regardless of local, state, or federal
2 funding source.

3 (B) Develop a standard application for submitting a request for
4 disclosure of information authorized by this subdivision.

5 (C) Approve or deny a request for disclosure of information
6 authorized by this subdivision, or request additional information,
7 within 20 business days of receiving the standard application. The
8 entity submitting the application shall respond to any request by
9 the department for additional information within 20 business days
10 of receipt of the department's request. Within 30 calendar days of
11 receiving any additional information, the department shall provide
12 a final approval or denial of the request for disclosure of
13 information authorized by this subdivision. Any approval, denial,
14 or request for additional information shall be in writing. Denials
15 shall identify the reason or category of reasons for the denial.

16 (D) Make publicly available on the department's internet website
17 all of the following:

18 (i) The minimum requirements for granting a request for
19 disclosure of information authorized by this subdivision, as
20 developed pursuant to subparagraph (A).

21 (ii) The standard application developed pursuant to subparagraph
22 (B).

23 (iii) The timeframe for information request determinations by
24 the department, as specified in subparagraph (C).

25 (iv) Contact information for assistance with requests for
26 disclosures of information authorized by this subdivision.

27 (v) Any denials for requests of disclosure of information
28 authorized by this subdivision, including the reason or category
29 of reasons for the denial.

30 (ak) (1) To provide any peace officer with the Enforcement
31 Branch of the Department of Insurance with both of the following:

32 (A) Information provided pursuant to subdivision (i) that relates
33 to a specific insurance fraud investigation involving automobile
34 insurance fraud, life insurance and annuity fraud, property and
35 casualty insurance fraud, and organized automobile insurance
36 fraud. That information shall be provided when the requesting
37 peace officer has been designated by the Chief of the Fraud
38 Division of the Department of Insurance and requests the
39 information in the course of, and as part of, an investigation into
40 the commission of a crime or other unlawful act when there is

1 reasonable suspicion to believe that the crime or act may be
2 connected to the information requested and would lead to relevant
3 information regarding the crime or unlawful act.

4 (B) Employee, wage, employer, and state disability insurance
5 claim information that relates to a specific insurance fraud
6 investigation involving health or disability insurance fraud when
7 the requesting peace officer has been designated by the Chief of
8 the Fraud Division of the Department of Insurance and requests
9 the information in the course of, and as part of, an investigation
10 into the commission of a crime or other unlawful act when there
11 is reasonable suspicion to believe that the crime or act may be
12 connected to the information requested and would lead to relevant
13 information regarding the crime or unlawful act.

14 (2) To enable the State Department of Developmental Services
15 to obtain quarterly wage data and unemployment insurance claim
16 data of consumers served by that department for the purposes of
17 monitoring, program operation and evaluation, and evaluating
18 employment outcomes, of the Employment First Policy, established
19 pursuant to Section 4869 of the Welfare and Institutions Code.

20 (3) The information provided pursuant to this subdivision shall
21 be provided to the extent permitted by federal statutes and
22 regulations.

23 (a) To provide the CalSavers Retirement Savings Board with
24 employer tax information for use in the administration of, and to
25 facilitate compliance with, the CalSavers Retirement Savings Trust
26 Act (Title 21 (commencing with Section 100000) of the
27 Government Code). The information should be limited to the tax
28 information the director deems appropriate, and shall be provided
29 to the extent permitted by federal laws and regulations.

30 (am) (1) To enable the Joint Enforcement Strike Force as
31 established by Section 329, and the Labor Enforcement Task Force,
32 as established pursuant to Assembly Bill 1464 of the 2011–12
33 Regular Session (Chapter 21 of the Statutes of 2012), to carry out
34 their duties.

35 (2) To provide an agency listed in subdivision (a) of Section
36 329 intelligence, data, including confidential tax and fee
37 information, documents, information, complaints, or lead referrals
38 pursuant to Section 15925 of the Government Code.

39 (an) To enable the Bureau for Private Postsecondary Education
40 to access and use any relevant quarterly wage data necessary to

1 perform the labor market outcome reporting data match pursuant
2 to Section 94892.6 of the Education Code. The information
3 provided pursuant to this subdivision shall be provided to the extent
4 permitted by state and federal laws and regulations.

5 (ao) To enable the Civil Rights Department to carry out its
6 duties, including ensuring compliance with Section 12999 of the
7 Government Code. Conduct related to information provided
8 pursuant to this subdivision shall not be subject to the criminal
9 sanctions set forth in subdivision (f) of Section 1094.

10 (ap) To enable the Cradle-to-Career Data System, as established
11 by Article 2 (commencing with Section 10860) of Chapter 8.5 of
12 Part 7 of Division 1 of Title 1 of the Education Code, to receive
13 employment and earnings data and, as required by the director
14 pursuant to Section 10871 of the Education Code, to provide
15 information to the data system, to the extent permissible by federal
16 laws and regulations.

17 (aq) (1) To enable the State Air Resources Board to receive
18 unpaid final tax assessment information issued to a port drayage
19 motor carrier or short-haul trucking service for misclassification
20 of a commercial driver, for use in the administration of, and to
21 facilitate compliance with, Chapter 3.6 (commencing with Section
22 39680) of Part 2 of Division 26 of the Health and Safety Code.
23 The information shall be limited to the tax information the director
24 deems appropriate for disclosure and shall be provided only to the
25 extent permitted by federal laws and regulations.

26 (2) For purposes of this subdivision, the following definitions
27 apply:

28 (A) "Commercial driver" has the same meaning as defined in
29 Section 2810.4 of the Labor Code.

30 (B) "Port drayage motor carrier" has the same meaning as
31 defined in Section 2810.4 of the Labor Code.

32 (C) "Short-haul trucking service" has the same meaning as
33 defined in Section 39682 of the Health and Safety Code.

34 (ar) To enable the California Health Benefit Exchange to do all
35 of the following:

36 (1) Notify an employer that an employee has been determined
37 eligible for advance payments of the premium tax credit and
38 cost-sharing reductions and has enrolled in a qualified health plan
39 through the California Health Benefit Exchange, as required
40 pursuant to Section 155.310(h) of Title 45 of the Code of Federal

1 Regulations. The information shall include available employer
2 contact information, including addresses, email addresses, and
3 telephone numbers.

4 (2) Assist the California Health Benefit Exchange or the State
5 Department of Health Care Services in determining eligibility for
6 the insurance affordability programs administered by those state
7 agencies. The determination of eligibility or entitlement shall
8 include efforts by either the California Health Benefit Exchange
9 or the State Department of Health Care Services to assist those
10 individuals in obtaining that coverage, including informing those
11 individuals potentially eligible for health coverage of the
12 availability of that coverage.

13 (3) Verify if a consumer has been offered affordable
14 comprehensive employer-sponsored health care coverage pursuant
15 to Title 22 (commencing with Section 100500) of the Government
16 Code and the federal Patient Protection and Affordable Care Act
17 (Public Law 111-148). The information shall include available
18 employer contact information, including addresses, email
19 addresses, and telephone numbers.

20 (4) Upon the request of either the California Health Benefit
21 Exchange or the State Department of Health Care Services, the
22 department shall also provide to the relevant state agency
23 information on new applicants for unemployment insurance, state
24 disability insurance, and paid family leave. The California Health
25 Benefit Exchange and the State Department of Health Care Services
26 shall at all times request from the department the minimum amount
27 of information necessary from the information listed in paragraph
28 (1) of subdivision (a) of Section 100503.9 of the Government
29 Code, to accomplish the purposes of Section 100503.9 of the
30 Government Code. The information shall be sent in a manner that
31 is encrypted or otherwise complies with government data security
32 best practices, as specified by the California Health Benefit
33 Exchange. This information shall only be used for the purposes of
34 outreach and marketing.

35 (5) This subdivision shall become operative no later than
36 September 1, 2023.

37 ~~SEC. 72.~~

38 *SEC. 71.* Section 1808.4 of the Vehicle Code is amended to
39 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 California
27 Correctional Training and Rehabilitation Authority specified in
28 Sections 20403 and 20405 of the Government Code.
- 29 (13) A nonsworn employee of a city police department, a county
30 sheriff's office, the Department of the California Highway Patrol,
31 a federal, state, or local detention facility, or a local juvenile hall,
32 camp, ranch, or home, who submits agency verification that, in
33 the normal course of the employee's employment, the employee
34 controls or supervises inmates or is required to have a prisoner in
35 the employee's care or custody.
- 36 (14) A county counsel assigned to child abuse cases.
- 37 (15) An investigator employed by the Department of Justice, a
38 county district attorney, or a county public defender.
- 39 (16) A member of a city council.
- 40 (17) A member of a board of supervisors.

1 (18) A federal prosecutor, criminal investigator, or National
2 Park Service Ranger working in this state.

3 (19) An active or retired city enforcement officer engaged in
4 the enforcement of the Vehicle Code or municipal parking
5 ordinances.

6 (20) An employee of a trial court.

7 (21) A psychiatric social worker employed by a county.

8 (22) A police or sheriff department employee designated by the
9 chief of police of the department or the sheriff of the county as
10 being in a sensitive position. A designation pursuant to this
11 paragraph shall, for purposes of this section, remain in effect for
12 three years subject to additional designations that, for purposes of
13 this section, shall remain in effect for additional three-year periods.

14 (23) A state employee in one of the following classifications:

15 (A) Licensing-Registration Examiner, Department of Motor
16 Vehicles.

17 (B) Motor Carrier Specialist I, Department of the California
18 Highway Patrol.

19 (C) Museum Security Officer and Supervising Museum Security
20 Officer.

21 (D) Licensing Program Analyst, State Department of Social
22 Services.

23 (24) (A) The spouse or child of a person listed in paragraphs
24 (1) to (23), inclusive, regardless of the spouse's or child's place
25 of residence.

26 (B) The surviving spouse or child of a peace officer, as defined
27 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
28 2 of the Penal Code, if the peace officer died in the line of duty.

29 (C) The surviving spouse or child of a judge or court
30 commissioner, if the judge or court commissioner died in the
31 performance of their duties.

32 (D) (i) Subparagraphs (A), (B), and (C) do not apply if the
33 person listed in those subparagraphs was convicted of a crime and
34 is on active parole or probation.

35 (ii) For requests made on or after January 1, 2011, the person
36 requesting confidentiality for their spouse or child listed in
37 subparagraph (A), (B), or (C) shall declare, at the time of the
38 request for confidentiality, whether the spouse or child has been
39 convicted of a crime and is on active parole or probation.

1 (iii) Neither the listed person's employer nor the department
2 shall be required to verify, or be responsible for verifying, that a
3 person listed in subparagraph (A), (B), or (C) was convicted of a
4 crime and is on active parole or probation.

5 (E) (i) The department shall discontinue holding a home address
6 confidential pursuant to this subdivision for a person specified in
7 subparagraph (A), (B), or (C) who is the child or spouse of a person
8 described in paragraph (4), (9), (11), (13), or (22) if the child or
9 spouse is convicted of a felony in this state or is convicted of an
10 offense in another jurisdiction that, if committed in California,
11 would be a felony.

12 (ii) The department shall comply with this subparagraph upon
13 receiving notice of a disqualifying conviction from the agency that
14 employs or formerly employed the parent or spouse of the
15 convicted person, or as soon as the department otherwise becomes
16 aware of the disqualifying conviction.

17 (b) The confidential home address of a person listed in
18 subdivision (a) shall not be disclosed, except to any of the
19 following:

20 (1) A court.

21 (2) A law enforcement agency.

22 (3) The State Board of Equalization.

23 (4) An attorney in a civil or criminal action that demonstrates
24 to a court the need for the home address, if the disclosure is made
25 pursuant to a subpoena.

26 (5) A governmental agency to which, under any law, information
27 is required to be furnished from records maintained by the
28 department.

29 (c) (1) A record of the department containing a confidential
30 home address shall be open to public inspection, as provided in
31 Section 1808, if the address is completely obliterated or otherwise
32 removed from the record.

33 (2) Following termination of office or employment, a
34 confidential home address shall be withheld from public inspection
35 for three years, unless the termination is the result of conviction
36 of a criminal offense or a request to remove confidentiality
37 protections has been made by an employing agency pursuant to
38 paragraph (6). If the termination or separation is the result of the
39 filing of a criminal complaint, a confidential home address shall
40 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.~~

SEC. 72. 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 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.~~

SEC. 73. Section 755 of the Welfare and Institutions Code is amended to read:

755. (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 their legal residence, and the court shall retain jurisdiction over that person.

(b) If a ward of the juvenile court is permitted to reside in a county other than the county of their legal residence, the ward may be placed under the supervision of the probation officer of the county of actual residence, with the consent of the probation officer. The ward shall comply with the instructions of the probation officer and upon failure to do so shall be returned to the county of 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.~~

SEC. 74. 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 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

1 of age. Each agency and official named in the order shall seal the
2 records in its custody as directed by the order, shall advise the
3 court of its compliance, and, after advising the court, shall seal the
4 copy of the court's order that was received. The court shall also
5 provide notice to the person and the person's counsel that it has
6 ordered the petition dismissed and the records sealed in the case.
7 The notice shall include an advisement of the person's right to
8 nondisclosure of the arrest and proceedings, as specified in
9 subdivision (b).

10 (b) Upon the court's order of dismissal of the petition, the arrest
11 and other proceedings in the case shall be deemed not to have
12 occurred and the person who was the subject of the petition may
13 reply accordingly to an inquiry by employers, educational
14 institutions, or other persons or entities regarding the arrest and
15 proceedings in the case.

16 (c) (1) For purposes of this section, satisfactory completion of
17 an informal program of supervision or another term of probation
18 described in subdivision (a) shall be deemed to have occurred if
19 the person has no new findings of wardship or conviction for a
20 felony offense or a misdemeanor involving moral turpitude during
21 the period of supervision or probation and if the person has not
22 failed to substantially comply with the reasonable orders of
23 supervision or probation that are within their capacity to perform.
24 The period of supervision or probation shall not be extended solely
25 for the purpose of deferring or delaying eligibility for dismissal
26 of the petition and sealing of the records under this section.

27 (2) An unfulfilled order or condition of restitution, including a
28 restitution fine that can be converted to a civil judgment under
29 Section 730.6 or an unpaid restitution fee shall not be deemed to
30 constitute unsatisfactory completion of supervision or probation
31 under this section.

32 (d) A court shall not seal a record or dismiss a petition pursuant
33 to this section if the petition was sustained based on the
34 commission of an offense listed in subdivision (b) of Section 707
35 that was committed when the individual was 14 years of age or
36 older unless the finding on that offense was dismissed or was
37 reduced to a misdemeanor or to a lesser offense that is not listed
38 in subdivision (b) of Section 707.

39 (e) If a person who has been alleged to be a ward of the juvenile
40 court has their petition dismissed by the court, whether on the

1 motion of the prosecution or on the court's own motion, or if the
2 petition is not sustained by the court after an adjudication hearing,
3 the court shall order sealed all records pertaining to the dismissed
4 petition in the custody of the juvenile court, and in the custody of
5 law enforcement agencies, the probation department, or the
6 Department of Justice. The court shall send a copy of the order to
7 each agency and official named in the order, direct the agency or
8 official to seal its records, and specify a date by which the sealed
9 records shall be destroyed. Each agency and official named in the
10 order shall seal the records in its custody as directed by the order,
11 shall advise the court of its compliance, and, after advising the
12 court, shall seal the copy of the court's order that was received.
13 The court shall also provide notice to the person and the person's
14 counsel that it has ordered the petition dismissed and the records
15 sealed in the case. The notice shall include an advisement of the
16 person's right to nondisclosure of the arrest and proceedings, as
17 specified in subdivision (b).

18 (f) (1) The court may, in making its order to seal the record and
19 dismiss the instant petition pursuant to this section, include an
20 order to seal a record relating to, or to dismiss, any prior petition
21 or petitions that have been filed or sustained against the individual
22 and that appear to the satisfaction of the court to meet the sealing
23 and dismissal criteria otherwise described in this section.

24 (2) An individual who has a record that is eligible to be sealed
25 under this section may ask the court to order the sealing of a record
26 pertaining to the case that is in the custody of a public agency other
27 than a law enforcement agency, the probation department, or the
28 Department of Justice, and the court may grant the request and
29 order that the public agency record be sealed if the court determines
30 that sealing the additional record will promote the successful
31 reentry and rehabilitation of the individual.

32 (g) (1) A record that has been ordered sealed by the court under
33 this section may be accessed, inspected, or utilized only under any
34 of the following circumstances:

35 (A) By the prosecuting attorney, the probation department, or
36 the court for the limited purpose of determining whether the minor
37 is eligible and suitable for deferred entry of judgment pursuant to
38 Section 790 or is ineligible for a program of supervision as defined
39 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.~~

2 *SEC. 75.* Section 788 of the Welfare and Institutions Code is
3 amended to read:

4 788. (a) Notwithstanding Section 781, of this code or Section
5 1203.47 of the Penal Code, if a petition has been filed with a
6 juvenile court to commence proceedings to adjudge a person a
7 ward of the court, the county probation officer shall do either of
8 the following once the person has reached 18 years of age:

9 (1) If the person will not remain under the juvenile court's
10 delinquency jurisdiction, the county probation officer shall petition
11 the court to seal the records relating to the person's case that are
12 in the custody of the juvenile court, probation officer, law
13 enforcement agency, or any other private or public agency. The
14 probation officer shall provide a copy of the petition to the minor
15 and their counsel at least 30 days prior to filing the petition.

16 (2) If the person will remain under the juvenile court's
17 delinquency jurisdiction, the county probation officer shall petition
18 the court as specified in paragraph (1) no later than one year after
19 the termination of the juvenile court's delinquency jurisdiction.

20 (b) All of the following shall not be sealed pursuant to this
21 section:

22 (1) A person's juvenile court records relating to a case that was
23 transferred from juvenile court to a court of criminal jurisdiction
24 under Section 707.1 if the person was convicted in the court of
25 criminal jurisdiction.

26 (2) A person's juvenile court records relating to an offense listed
27 in subdivision (b) of Section 707 that was committed when the
28 person was 14 years of age or older, unless that offense was
29 dismissed or reduced to a misdemeanor or a lesser offense that is
30 not listed in subdivision (b) of Section 707.

31 (3) A person's juvenile court records relating to an offense for
32 which the person is required to register pursuant to Section 290.008
33 of the Penal Code.

34 (c) If the court finds that the person has not been convicted of
35 a felony or a misdemeanor involving moral turpitude after the
36 juvenile court's jurisdiction was terminated, it shall order sealed
37 all records, papers, and exhibits in the person's case that are in the
38 custody of the juvenile court, law enforcement agency, probation
39 department, Department of Justice, or any other private or public
40 agency, including the juvenile court record, minute book entries,

1 docket entries, and arrest records. The person's defense counsel
2 shall not be ordered to seal their records. The court shall send a
3 copy of the order to each agency named in the order. Each agency
4 shall seal the records in its custody as directed by the order, send
5 a notice to the court that it has complied with the order, and seal
6 the copy of the court's order the agency received.

7 (d) If the court has ordered the person's records sealed, the
8 proceedings of the sealed case shall be deemed never to have
9 occurred and the person may properly reply accordingly to any
10 inquiry about the events.

11 (e) When the probation officer does not file a petition pursuant
12 to this section, the probation officer shall notify, in writing, the
13 person and their counsel of the reason for not filing the petition.

14 (f) (1) A record that has been ordered sealed by the court under
15 this section may be accessed, inspected, or utilized only under any
16 of the following circumstances:

17 (A) If the person who is the subject of the sealed records
18 petitions the court to permit inspection of the records and the court
19 grants inspection.

20 (B) By the court for the limited purpose of verifying the prior
21 jurisdictional status of a ward who is petitioning the court to resume
22 its jurisdiction pursuant to subdivision (e) of Section 388.

23 (C) (i) By the prosecuting attorney in order to meet a statutory
24 or constitutional obligation to disclose favorable or exculpatory
25 evidence to a defendant in a criminal case in which the prosecuting
26 attorney has reason to believe that access to the record is necessary
27 to meet the disclosure obligation. The prosecuting attorney shall
28 submit a request to the juvenile court to access information in the
29 sealed record for this purpose. The request shall include the
30 prosecutor's rationale for believing that access to the information
31 in the record may be necessary to meet the disclosure obligation
32 and the date by which the records are needed. The juvenile court
33 shall notify the subject of the sealed records and their attorney of
34 the prosecutor's request and provide them with the opportunity to
35 respond, in writing or by appearance, to the request. The court
36 shall approve the prosecutor's request if, upon review of the
37 relevant records, it determines that access to a specific sealed
38 record or portion of a sealed record is necessary to enable the
39 prosecuting attorney to comply with the disclosure obligation. If
40 the juvenile court approves the prosecuting attorney's request, the

1 court shall state on the record appropriate limits on the access,
2 inspection, and utilization of the sealed records in order to protect
3 the confidentiality of the subject of the sealed records. A court
4 ruling allowing disclosure of information pursuant to this
5 subdivision does not affect whether the information is admissible
6 in a criminal or juvenile proceeding.

7 (ii) This subparagraph does not impose any additional discovery
8 obligations on a prosecuting attorney.

9 (iii) This subparagraph does not apply to juvenile case files
10 pertaining to matters within the jurisdiction of the juvenile court
11 pursuant to Section 300.

12 (2) Access to, or inspection of, a sealed record authorized by
13 this subdivision is not considered an unsealing of the record and
14 does not require notice to any other agency.

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 (h) A petition for sealing shall not be denied due to an unfulfilled
36 order of restitution or restitution fine.

37 (i) (1) This section does not prohibit a court from enforcing a
38 civil judgment for an unfulfilled order of restitution obtained
39 pursuant to Section 730.6. A person is not relieved from the

1 obligation to pay victim restitution, a restitution fine, or a
2 court-ordered fine because their records are sealed.

3 (2) The juvenile court shall have access to any records sealed
4 pursuant to this section for the limited purpose of enforcing a civil
5 judgment or restitution order.

6 (j) A court shall not grant relief under this section unless the
7 prosecuting attorney has been given 15 days' notice of the petition
8 for sealing. The probation officer shall notify the prosecuting
9 attorney when a petition is filed. If the prosecuting attorney fails
10 to appear or object to the petition after receiving notice, the
11 prosecuting attorney shall not move to set aside or otherwise appeal
12 the grant of that petition.

13 (k) Unless the court determines there is good cause to retain the
14 juvenile court record, the court shall order the destruction of a
15 person's juvenile court records that are sealed pursuant to this
16 section.

17 (1) If the subject of the record was alleged or adjudged to be a
18 person described by Section 601, the court shall order the
19 destruction five years after the record was ordered sealed.

20 (2) If the subject of the record was alleged or adjudged to be a
21 person described by Section 602, the court shall order the
22 destruction when the subject reaches 38 years of age. If the subject
23 was found to be a person described in Section 602 because of the
24 commission of an offense listed in subdivision (b) of Section 707
25 and was 14 years of age or older at the time of the offense, the
26 records shall not be destroyed.

27 (3) The court shall order any other agency in possession of
28 sealed records to destroy its records five years after the records
29 were ordered sealed.

30 (l) The relief provided in this section does not preclude any
31 other relief provided by law.

32 ~~SEC. 77.~~

33 *SEC. 76.* Section 16001.9 of the Welfare and Institutions Code
34 is amended to read:

35 16001.9. (a) All children placed in foster care, either
36 voluntarily or after being adjudged a ward or dependent of the
37 juvenile court pursuant to Section 300, 601, or 602, shall have the
38 rights specified in this section. These rights also apply to nonminor
39 dependents in foster care, except when they conflict with nonminor

1 dependents' retention of all their legal decisionmaking authority
2 as an adult. The rights are as follows:

3 (1) To live in a safe, healthy, and comfortable home where they
4 are treated with respect. If the child is an Indian child, to live in a
5 home that upholds the prevailing social and cultural standards of
6 the child's Indian community, including, but not limited to, family,
7 social, and political ties.

8 (2) To be free from physical, sexual, emotional, or other abuse,
9 corporal punishment, and exploitation.

10 (3) To receive adequate and healthy food, adequate clothing,
11 grooming and hygiene products, and an age-appropriate allowance.
12 Clothing and grooming and hygiene products shall respect the
13 child's culture, ethnicity, and gender identity and expression.

14 (4) To be placed in the least restrictive setting possible,
15 regardless of age, physical health, mental health, sexual orientation,
16 and gender identity and expression, juvenile court record, or status
17 as a pregnant or parenting youth, unless a court orders otherwise.

18 (5) To be placed with a relative or nonrelative extended family
19 member if an appropriate and willing individual is available.

20 (6) To not be locked in any portion of their foster care
21 placement, unless placed in a community treatment facility.

22 (7) To have a placement that utilizes trauma-informed and
23 evidence-based de-escalation and intervention techniques, to have
24 law enforcement intervention requested only when there is an
25 imminent threat to the life or safety of a child or another person
26 or as a last resort after other diversion and de-escalation techniques
27 have been utilized, and to not have law enforcement intervention
28 used as a threat or in retaliation against the child.

29 (8) To not be detained in a juvenile detention facility based on
30 their status as a dependent of the juvenile court or the child welfare
31 services department's inability to provide a foster care placement.
32 If they are detained, to have all the rights afforded under the United
33 States Constitution, the California Constitution, and all applicable
34 state and federal laws.

35 (9) To have storage space for private use.

36 (10) To be free from unreasonable searches of personal
37 belongings.

38 (11) To be provided the names and contact information for
39 social workers, probation officers, attorneys, service providers,
40 foster youth advocates and supporters, Court Appointed Special

1 Advocates (CASAs), and education rights holder if other than the
2 parent or parents, and when applicable, representatives designated
3 by the child's Indian tribe to participate in the juvenile court
4 proceeding, and to communicate with these individuals privately.

5 (12) To visit and contact siblings, family members, and relatives
6 privately, unless prohibited by court order, and to ask the court for
7 visitation with the child's siblings.

8 (13) To make, send, and receive confidential telephone calls
9 and other electronic communications, and to send and receive
10 unopened mail, unless prohibited by court order.

11 (14) To have social contacts with people outside of the foster
12 care system, including, but not limited to, teachers, coaches,
13 religious or spiritual community members, mentors, and friends.
14 If the child is an Indian child, to have the right to have contact
15 with tribal members and members of their Indian community
16 consistent with the prevailing social and cultural conditions and
17 way of life of the Indian child's tribe.

18 (15) To attend religious services, activities, and ceremonies of
19 the child's choice, including, but not limited to, engaging in
20 traditional Native American religious practices.

21 (16) To participate in extracurricular, cultural, racial, ethnic,
22 personal enrichment, and social activities, including, but not limited
23 to, access to computer technology and the internet, consistent with
24 the child's age, maturity, developmental level, sexual orientation,
25 and gender identity and expression.

26 (17) To have fair and equal access to all available services,
27 placement, care, treatment, and benefits, and to not be subjected
28 to discrimination or harassment on the basis of actual or perceived
29 race, ethnic group identification, ancestry, national origin, color,
30 religion, sex, sexual orientation, gender identity and expression,
31 mental or physical disability, or HIV status.

32 (18) To have caregivers, child welfare and probation personnel,
33 and legal counsel who have received instruction on cultural
34 competency and sensitivity relating to sexual orientation, gender
35 identity and expression, and best practices for providing adequate
36 care to lesbian, gay, bisexual, and transgender children in
37 out-of-home care.

38 (19) To be placed in out-of-home care according to their gender
39 identity, regardless of the gender or sex listed in their court, child
40 welfare, medical, or vital records, to be referred to by the child's

1 preferred name and gender pronoun, and to maintain privacy
2 regarding sexual orientation and gender identity and expression,
3 unless the child permits the information to be disclosed, or
4 disclosure is required to protect their health and safety, or
5 disclosure is compelled by law or a court order.

6 (20) To have child welfare and probation personnel and legal
7 counsel who have received instruction on the federal Indian Child
8 Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and on cultural
9 competency and sensitivity relating to, and best practices for,
10 providing adequate care to Indian children in out-of-home care.

11 (21) To have recognition of the child's political affiliation with
12 an Indian tribe or Alaskan village, including a determination of
13 the child's membership or citizenship in an Indian tribe or Alaskan
14 village; to receive assistance in becoming a member of an Indian
15 tribe or Alaskan village in which the child is eligible for
16 membership or citizenship; to receive all benefits and privileges
17 that flow from membership or citizenship in an Indian tribe or
18 Alaskan village; and to be free from discrimination based on the
19 child's political affiliation with an Indian tribe or Alaskan village.

20 (22) (A) To access and receive medical, dental, vision, mental
21 health, and substance use disorder services, and reproductive and
22 sexual health care, with reasonable promptness that meets the
23 needs of the child, to have diagnoses and services explained in an
24 understandable manner, and to participate in decisions regarding
25 health care treatment and services. This right includes covered
26 gender affirming health care and gender affirming mental health
27 care, and is subject to existing laws governing consent to health
28 care for minors and nonminors and does not limit, add, or otherwise
29 affect applicable laws governing consent to health care.

30 (B) To view and receive a copy of their medical records to the
31 extent they have the right to consent to the treatment provided in
32 the medical record and at no cost to the child until they are 26
33 years of age.

34 (23) Except in an emergency, to be free of the administration
35 of medication or chemical substances, and to be free of all
36 psychotropic medications unless prescribed by a physician, and
37 in the case of children, authorized by a judge, without consequences
38 or retaliation. The child has the right to consult with and be
39 represented by counsel in opposing a request for the administration
40 of psychotropic medication and to provide input to the court about

1 the request to authorize medication. The child also has the right
2 to report to the court the positive and adverse effects of the
3 medication and to request that the court reconsider, revoke, or
4 modify the authorization at any time.

5 (24) (A) To have access to age-appropriate, medically accurate
6 information about reproductive health care, the prevention of
7 unplanned pregnancy, and the prevention and treatment of sexually
8 transmitted infections.

9 (B) At any age, to consent to or decline services regarding
10 contraception, pregnancy care, and perinatal care, including, but
11 not limited to, abortion services and health care services for sexual
12 assault without the knowledge or consent of any adult.

13 (C) At 12 years of age or older, to consent to or decline health
14 care services to prevent, test for, or treat sexually transmitted
15 diseases, including HIV, and mental health services, without the
16 consent or knowledge of any adult.

17 (25) At 12 years of age or older, to choose, whenever feasible
18 and in accordance with applicable law, their own health care
19 provider for medical, dental, vision, mental health, substance use
20 disorder services, and sexual and reproductive health care, if
21 payment for the service is authorized under applicable federal
22 Medicaid law or other approved insurance, and to communicate
23 with that health care provider regarding any treatment concerns
24 or needs and to request a second opinion before being required to
25 undergo invasive medical, dental, or psychiatric treatment.

26 (26) To confidentiality of medical and mental health records,
27 including, but not limited to, HIV status, substance use disorder
28 history and treatment, and sexual and reproductive health care,
29 consistent with existing law.

30 (27) To attend school, to remain in the child's school of origin,
31 to immediate enrollment upon a change of school, to partial credits
32 for any coursework completed, and to priority enrollment in
33 preschool, after school programs, a California State University,
34 and each community college district, and to receive all other
35 necessary educational supports and benefits, as described in the
36 Education Code.

37 (28) To have access to existing information regarding the
38 educational options available, including, but not limited to, the
39 coursework necessary for career, technical, and postsecondary
40 educational programs, and information regarding financial aid for

1 postsecondary education, and specialized programs for current and
2 former foster children available at the University of California,
3 the California State University, and the California Community
4 Colleges.

5 (29) To attend Independent Living Program classes and
6 activities, if the child meets the age requirements, and to not be
7 prevented by caregivers from attending as a consequence or
8 punishment.

9 (30) To maintain a bank account and manage personal income,
10 consistent with the child's age and developmental level, unless
11 prohibited by the case plan.

12 (31) To work and develop job skills at an age-appropriate level,
13 consistent with state law.

14 (32) For children 14 to 17 years of age, inclusive, to receive a
15 consumer credit report provided to the child by the social worker
16 or probation officer on an annual basis from each of the three major
17 credit reporting agencies, and to receive assistance with interpreting
18 and resolving any inaccuracies.

19 (33) To be represented by an attorney in juvenile court; to have
20 an attorney appointed to advise the court of the child's wishes, to
21 advocate for the child's protection, safety, and well-being, and to
22 investigate and report to the court on legal interests beyond the
23 scope of the juvenile proceeding; to speak to the attorney
24 confidentially; and to request a hearing if the child feels their
25 appointed counsel is not acting in their best interest or adequately
26 representing their legal interests.

27 (34) (A) To receive a notice of court hearings, to attend court
28 hearings, to speak to the judge, to view and receive a copy of the
29 court file, subject to existing federal and state confidentiality laws,
30 and to object to or request the presence of interested persons during
31 court hearings. If the child is an Indian child, to have a
32 representative designated by the child's Indian tribe be in
33 attendance during hearings.

34 (B) When a child is entitled to receive a copy of the court report,
35 case plan, and transition to independent living plan (TILP), those
36 items shall be provided in the child's primary language.

37 (35) To the confidentiality of all juvenile court records consistent
38 with existing law.

39 (36) To view and receive a copy of their child welfare records,
40 juvenile court records, and educational records at no cost to the

1 child until the child is 26 years of age, subject to existing federal
2 and state confidentiality laws.

3 (37) To be involved in the development of their own case plan,
4 including placement decisions, and plan for permanency. This
5 involvement includes, but is not limited to, the development of
6 case plan elements related to placement and gender affirming
7 health care, with consideration of the child's gender identity. If
8 the child is an Indian child, the case plan shall include protecting
9 the essential tribal relations and best interests of the Indian child
10 by assisting the child in establishing, developing, and maintaining
11 political, cultural, and social relationships with the child's Indian
12 tribe and Indian community.

13 (38) To review the child's own case plan and plan for permanent
14 placement if the child is 10 years of age or older, and to receive
15 information about their out-of-home placement and case plan,
16 including being told of changes to the plan.

17 (39) To request and participate in a child and family team
18 meeting, as follows:

19 (A) Within 60 days of entering foster care, and every 6 months
20 thereafter.

21 (B) If placed in a short-term residential therapeutic program, or
22 receiving intensive home-based services or intensive case
23 coordination, or receiving therapeutic foster care services, to have
24 a child and family team meeting at least every 90 days.

25 (C) To request additional child and family team meetings to
26 address concerns, including, but not limited to, placement
27 disruption, change in service needs, addressing barriers to sibling
28 or family visits, and addressing difficulties in coordinating services.

29 (D) To have both informal and formal support people participate,
30 consistent with state law.

31 (40) (A) To be informed of these rights in an age and
32 developmentally appropriate manner by the social worker or
33 probation officer and to be provided a copy of the rights in this
34 section at the time of placement, any placement change, and at
35 least once every six months or at the time of a regularly scheduled
36 contact with the social worker or probation officer.

37 (B) For a child who speaks a primary language other than
38 English, to be provided a copy of the child's rights in the child's
39 primary language.

(41) To be provided with contact information for the Community Care Licensing Division of the State Department of Social Services, the tribal authority approving a tribally approved home, and the State Foster Care Ombudsperson, at the time of each placement, and to contact any or all of these offices immediately upon request regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

(b) The rights described in this section are broad expressions of the rights of children in foster care and are not exhaustive of all rights set forth in the United States Constitution and the California Constitution, federal and California statutes, and case law.

(c) This section does not require, and shall not be interpreted to require, a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

(d) The State Department of Social Services and each county welfare department are encouraged to work with the Student Aid Commission, the University of California, the California State University, and the California Community Colleges to receive information pursuant to paragraph (28) of subdivision (a).

~~SEC. 78.~~

SEC. 77. Section 16527 of the Welfare and Institutions Code is amended to read:

16527. (a) The department shall establish a statewide hotline as the entry point for the Family Urgent Response System, which shall be available 24 hours a day, seven days a week, to respond to calls from a caregiver or current or former foster child or youth during moments of instability. Both of the following shall be available through this hotline:

(1) Hotline workers who are trained in techniques for de-escalation and conflict resolution telephone response specifically for children or youth impacted by trauma.

(2) Referrals to a county-based mobile response system, established pursuant to Section 16529, for further support and in-person response. Referrals shall occur as follows:

(A) A warm handoff whereby the hotline worker establishes direct and live connection through a three-way call that includes the caregiver, child or youth, and county contact. The caregiver, child, or youth may decline the three-way contact with the county

1 contact if they feel their situation has been resolved at the time of
2 the call.

3 (B) If a direct communication cannot be established pursuant
4 to subparagraph (A), a referral directly to the community- or
5 county-based service and a followup call to ensure that a
6 connection to the caregiver, child, or youth occurs.

7 (C) The hotline worker shall contact the caregiver and the child
8 or youth within 24 hours after the initial call required under
9 subparagraph (A) or (B) to offer additional support, if needed.

10 (b) The statewide hotline shall maintain contact information for
11 all county-based mobile response systems, based on information
12 provided by counties, for referrals to local services, including, but
13 not limited to, county-based mobile response and stabilization
14 teams.

15 (c) The department shall ensure that deidentified, aggregated
16 data are collected regarding individuals served through the
17 statewide hotline and county-based mobile response systems and
18 shall publish a report on the department's internet website by
19 January 1, 2022, and annually by January 1 thereafter, in
20 consultation with stakeholders, including, but not limited to, the
21 County Welfare Directors Association of California, the Chief
22 Probation Officers of California, and the County Behavioral Health
23 Directors Association of California. The data shall be collected
24 using automated procedures or other matching methods mutually
25 agreed upon by the state and county agencies, including, but not
26 limited to, the statewide child welfare automation management
27 system, and shall include all of the following information:

28 (1) The number of caregivers served through the hotline,
29 separated by placement type and status as a current or former foster
30 caregiver.

31 (2) The number of current and former foster children or youth
32 served through the hotline, separated by county agency type,
33 current or former foster care status, age, gender, race, and whether
34 the call was made by the caregiver or the child or youth.

35 (3) The disposition of each call, including, but not limited to,
36 whether mobile response and stabilization services were provided
37 or a referral was made to other services.

38 (4) County-based outcome data, including, but not limited to,
39 placement stability, return into foster care, movement from child
40 welfare to juvenile justice, and timeliness to permanency.

(d) The department may meet the requirements of this section through contract with an entity with demonstrated experience in working with populations of children or youth who have suffered trauma and with capacity to provide a 24-hour-a-day, seven-day-a-week response that includes mediation, relationship preservation for the caregiver and the child or youth, and a family-centered and developmentally appropriate approach with the caregiver and the child or youth.

(e) The department, in consultation with stakeholders, including current and former foster youth and caregivers, shall do all of the following:

(1) Develop methods and materials for informing all caregivers and current or former foster children or youth about the statewide hotline, including a dissemination plan for those materials, which shall include, at a minimum, making those materials publicly available through the department's internet website.

(2) Establish protocols for triage and response.

(3) Establish minimum education and training requirements for hotline workers.

(4) Consider expanding the statewide hotline to include communication through electronic means, including, but not limited to, text messaging or email.

(f) (1) The statewide hotline shall be operational no sooner than January 1, 2021, and on the same date as the county mobile response system created pursuant to this chapter.

(2) Notwithstanding paragraph (1), the statewide hotline may operate sooner than January 1, 2021, or prior to the date that each county has created a county mobile response system, upon notification from each county to the department that the county satisfies one of the following requirements:

(A) Has established a county mobile response system created pursuant to this chapter.

(B) Has an alternative method to accept and respond to referrals from the statewide hotline pending the establishment of the county 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.

1 ~~SEC. 79.~~

2 *SEC. 78.* Section 16529 of the Welfare and Institutions Code
3 is amended to read:

4 16529. (a) County child welfare, probation, and behavioral
5 health agencies, in each county or region of counties as specified
6 in subdivision (e), shall establish a joint county-based mobile
7 response system that includes a mobile response and stabilization
8 team for the purpose of providing supportive services to address
9 situations of instability, preserve the relationship of the caregiver
10 and the child or youth, develop healthy conflict resolution and
11 relationship skills, promote healing as a family, and stabilize the
12 situation.

13 (b) In each county or region of counties, the county child
14 welfare, probation, and behavioral health agencies, in consultation
15 with other relevant county agencies, tribal representatives,
16 caregivers, and current or former foster children or youth, shall
17 submit a single, coordinated plan to the department that describes
18 how the county-based mobile response system shall meet the
19 requirements described in subdivision (c). The plan shall also
20 describe all of the following:

21 (1) How the county, or region of counties, will track and monitor
22 calls.

23 (2) Data collection efforts, consistent with guidance provided
24 by the department, including, at a minimum, collection of data
25 necessary for the report required pursuant to subdivision (c) of
26 Section 16527.

27 (3) Transitions from mobile response and stabilization services
28 to ongoing services.

29 (4) A process for identifying if the child or youth has an existing
30 child and family team for coordinating with the child and family
31 team to address the instability, and a plan for ongoing care to
32 support that relationship in a trusting and healing environment.

33 (5) A process and criteria for determining response.

34 (6) The composition of the responders, including efforts to
35 include peer partners and those with lived experience in the
36 response team, whenever possible.

37 (7) Both existing and new services that will be used to support
38 the mobile response and stabilization services. County behavioral
39 health departments that operate mobile crisis units may share

1 resources between mobile crisis units and the mobile response
2 system required pursuant to this chapter, at their discretion.

3 (8) Response protocols for the child or youth in family-based
4 and congregate care settings based on guidelines developed by the
5 department, in consultation with stakeholders, pursuant to Section
6 16528. The response protocols shall ensure protections for children
7 and youth to prevent placements into congregate care settings,
8 psychiatric institutions, and hospital settings.

9 (9) A process for identifying whether the child or youth has an
10 existing behavioral health treatment plan and a placement
11 preservation strategy, as described in Section 16010.7, and for
12 coordinating response and services consistent with the plan and
13 strategy.

14 (10) A plan for the mobile response and stabilization team to
15 provide supportive services in the least intrusive and most child,
16 youth, and family friendly manner, such that mobile response and
17 stabilization teams do not trigger further trauma to the child or
18 youth.

19 (c) A county-based mobile response system shall include all of
20 the following:

21 (1) Phone response at the county level that facilitates entry of
22 the caregivers and current or former foster children or youth into
23 mobile response services.

24 (2) A process for determining when a mobile response and
25 stabilization team will be sent, or when other services will be used,
26 based on the urgent and critical needs of the caregiver, child, or
27 youth.

28 (3) A mobile response and stabilization team available 24 hours
29 a day, seven days a week.

30 (4) Ability to provide immediate, in-person, face-to-face
31 response preferably within one hour, but not to exceed 3 hours in
32 extenuating circumstances for urgent needs, or same-day response
33 within 24 hours for nonurgent situations.

34 (5) Utilization of individuals with specialized training in trauma
35 of children or youth and the foster care system on the mobile
36 response and stabilization team. Efforts should be made to include
37 peer partners and those with lived experience in the response team,
38 whenever possible.

39 (6) Provision of in-home de-escalation, stabilization, and support
40 services and supports, including all of the following:

1 (A) Establishing in-person, face-to-face contact with the child
2 or youth and caregiver.

3 (B) Identifying the underlying causes of, and precursors to, the
4 situation that led to the instability.

5 (C) Identifying the caregiver interventions attempted.

6 (D) Observing the child and caregiver interaction.

7 (E) Diffusing the immediate situation.

8 (F) Coaching and working with the caregiver and the child or
9 youth in order to preserve the family unit and maintain the current
10 living situation or create a healthy transition plan, if necessary.

11 (G) Establishing connections to other county- or
12 community-based supports and services to ensure continuity of
13 care, including, but not limited to, linkage to additional
14 trauma-informed and culturally and linguistically responsive family
15 supportive services and youth and family wellness resources.

16 (H) Following up after the initial face-to-face response, for up
17 to 72 hours, to determine if additional supports or services are
18 needed.

19 (I) Identifying any additional support or ongoing stabilization
20 needs for the family and making a plan for, or referral to,
21 appropriate youth and family supportive services within the county.

22 (7) A process for communicating with the county of jurisdiction
23 and the county behavioral health agency regarding the service
24 needs of the child or youth and caregiver provided that the child
25 or youth is currently under the jurisdiction of either the county
26 child welfare or the probation system.

27 (d) County-based mobile response systems may be temporarily
28 adapted to address circumstances associated with COVID-19,
29 consistent with the Governor's Proclamation of a State of
30 Emergency, issued on March 4, 2020.

31 (e) (1) Each county shall establish a mobile response system
32 no sooner than January 1, 2021, and on the same date as the
33 statewide hotline created under this chapter.

34 (2) Notwithstanding paragraph (1), a county may establish a
35 mobile response system, or an alternative method to accept and
36 respond to referrals from the statewide hotline, pending the
37 establishment of the county mobile response system, prior to
38 January 1, 2021, in order to facilitate the early operation of the
39 statewide hotline.

(3) The county agencies described in subdivisions (a) and (b) may implement this section on a per-county basis or by collaborating with other counties to establish regional, cross-county mobile response systems. For counties implementing this section pursuant to a regional approach, a single plan, as described in subdivision (b), signed by all agency representatives, shall be submitted to the department and a lead county shall be identified.

(4) Funds expended pursuant to this act shall be used to supplement, and not supplant, other existing funding for mobile response services described in this chapter.

(5) A county or region of counties may receive an extension, not to exceed six months, to implement a mobile response system after January 1, 2021, upon submission of a written request, in a manner to be prescribed by the department, that includes a demonstration of actions to implement, progress towards implementation, and the county's alternative method to accept and respond to referrals from the statewide hotline pending the establishment of the county mobile response system.

(f) The creation and implementation of the Family Urgent Response System shall not infringe on entitlements or services provided pursuant to Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) or the federal Early and Periodic Screening, Diagnosis and Treatment services (42 U.S.C. Sec. 1396d(r)).

(g) The department, in collaboration with the County Welfare Directors Association of California, the County Behavioral Health Directors Association of California, and the Chief Probation Officers of California, on an annual basis beginning on January 1, 2022, shall assess utilization and workload associated with implementation of the statewide hotline and mobile response and provide an update to the Legislature during budget hearings.

~~SEC. 80.~~

SEC. 79. Section 18358.10 of the Welfare and Institutions Code is amended to read:

18358.10. Each foster family agency participating in this program shall enter into a contract or memorandum of understanding with the county and provide all of the following personnel and administrative and support services:

(a) (1) Special attention to the selection and training of foster parents.

(2) All participating intensive treatment foster care (ITFC) foster parents shall be provided with at least 40 hours of training in the care of emotionally disturbed children or children who have a serious behavioral problem before becoming an ITFC parent, and before placement of a child pursuant to this program, 32 hours of ongoing in-service training within the first 12 months after becoming a certified ITFC parent, and 12 hours of ongoing in-service training each year thereafter. Training shall include, but not be limited to, working with abused and neglected children, behavior de-escalation techniques, and cardiopulmonary resuscitation and first aid. All training shall be completed prior to the child's placement in the home. In two-parent homes, placement may be made after one parent has completed 40 hours of training, provided that an additional 20 hours of ongoing in-service training are completed within 12 months after becoming an ITFC foster parent, and provided that the second parent has completed 40 hours of training and completes an additional 20 hours of training within the first six months of certification of the foster parent as an ITFC foster parent.

(3) Upon approval of the county interagency review team or the county placing agency, the training requirements specified in paragraph (2) for a participating foster parent in this program may be waived for foster parents with prior experience that includes, but is not limited to, working for at least one year with emotionally disturbed children or children who have a serious behavioral problem.

(4) Foster parents shall be provided with all necessary support services.

(b) Caseloads for participating social work case managers that average eight children, except as provided in paragraph (1) of subdivision (b) of Section 18358.30.

(c) The specific assignment to each certified family home of a trained support counselor with experience in residential treatment.

(1) The support counselor shall have one of the following:

(A) A bachelor's degree in a social science related field and at least six months of experience in working with emotionally disturbed children or children who have a serious behavioral problem.

(B) An associate degree in a social science related field and have at least one year's experience in working with emotionally

1 disturbed children or children who have a serious behavioral
2 problem.

3 (C) Upon approval of the county interagency review team or
4 the county placing agency, the educational requirements may be
5 waived for support counselors with at least two years of experience
6 working with emotionally disturbed children or children who have
7 a serious behavioral problem, and who demonstrate a combination
8 of education, skills, and experience that meets the specific cultural
9 and linguistic needs of the target population.

10 (2) Each participating foster family agency shall provide each
11 support counselor with 40 hours of training to include, but not be
12 limited to, working with abused and neglected children, behavior
13 de-escalation techniques, cardiopulmonary resuscitation, first aid,
14 and developing treatment plans for emotionally disturbed children
15 or children who have a serious behavioral problem. All training
16 shall be completed prior to placing a child in a certified family
17 home for which the support counselor is assigned responsibility.
18 An additional 20 hours of ongoing in-service training is required
19 within the first 12 months after becoming an ITFC support
20 counselor.

21 (3) Each support counselor shall provide support service to the
22 child and the foster family. This service shall include, but not be
23 limited to, structuring a safe environment for the child, collateral
24 contacts, and any administrative or training functions necessary
25 to implement the child's needs and services plan. The child's needs
26 and services plan shall ensure that services meet the child's needs
27 and are appropriate to and consistent with the minimum level of
28 service specified in Section 18358.30. The child's individual needs
29 and services plan shall be reviewed and approved by the certified
30 foster parents.

31 (d) Coordination services with local education agencies and the
32 service provider's nonpublic school, where applicable.

33 (e) A 24-hour on call administrator who is available to respond
34 to emergency situations.

35 ~~SEC. 81.~~

36 *SEC. 80.* Section 18358.20 of the Welfare and Institutions
37 Code is amended to read:

38 18358.20. In addition to the requirements of Sections 18358.10
39 and 18358.15, any foster family agency that serves children under
40 this program shall have a contract or memorandum of

1 understanding with the county prior to accepting referrals of
2 children. The contract or memorandum of understanding shall
3 identify how the foster family agency will provide or arrange for
4 the following services and activities:

5 (a) An effective 24 hours a day, seven days a week social work
6 emergency response service. The plan shall include the criteria for
7 an in-person response and define the timeframe in which in-person
8 response will be made.

9 (b) Mental health coverage available as needed for mental health
10 emergencies.

11 (c) Development of a service plan approved by the placing
12 county for each child within one month of placement that
13 thoroughly assesses the unique needs and strengths of the child in
14 the life domains specified in paragraph (1), and identifies the
15 necessary services and supports to improve outcomes.

16 (1) For purposes of this section, “life domains” means the
17 framework of important aspects of a child’s life to be assessed in
18 the child’s service plan, including, but not limited to, the following:

19 (A) Safety.

20 (B) Emotional and psychological well-being.

21 (C) Behavioral.

22 (D) Family and living situation.

23 (E) Social and recreational.

24 (F) Cultural and spiritual.

25 (G) Educational and vocational.

26 (H) Health.

27 (I) Developmental.

28 (2) Applicable services and supports associated with each life
29 domain, which may include, but are not limited to, the following:

30 (A) The child’s need for mental health service interventions.

31 (B) Individual or group mental health treatment services.

32 (C) Psychotropic medication and monitoring.

33 (D) Behavior analysis, positive behavioral interventions, and
34 behavioral modification techniques.

35 (E) Interventions designed to prevent entry or reentry into the
36 juvenile justice system.

37 (F) Family reunification services, parent training, or other
38 support services needed to return the child home, or when that is
39 not possible, to establish, reestablish, or reinforce a lifelong
40 relationship with a caring adult.

1 (G) Family finding services to support and enhance access to
2 lifelong permanent relationships with relative and nonrelative kin.

3 (H) Targeted life skills training and resources to ensure
4 appropriate access to social and recreational resources and
5 relationships, as needed to support the achievement of important
6 developmental milestones.

7 (I) Mentoring or developing of positive adult relationships.

8 (J) Education supports, as needed to maintain and enhance the
9 child's educational success and stability.

10 (K) Education liaison services as needed to support the child's
11 education in the least restrictive environment.

12 (L) Respite care.

13 (M) Support counselors.

14 (N) Case management to ensure appropriate and effective
15 coordination of activities and resources as identified in the needs
16 and services plan.

17 (d) A system for recruiting, training, and supervising qualified
18 in-home support counselors.

19 (e) A system of record keeping that documents the delivery of
20 services and supports to each child. This documentation shall be
21 summarized and submitted on an annual basis to the county. Each
22 agency shall report the type and cost of the services delivered.

23 (f) Written policies and procedures on how the program will be
24 structured to ensure the safety of the child, how suicide attempts,
25 runaways, sexual acting out or, violent and assaultive behavior
26 will be handled, and what will occur to reduce or eliminate future
27 episodes.

28 (g) Written procedures on frequency of treatment plan review,
29 modifications of treatment plans, and the role of the foster family
30 and the child's parents in development of the treatment plan.

31 (h) A process for recruitment, selection and training of foster
32 parents, including respite foster parents. The training curriculum
33 shall include the following areas, at a minimum:

34 (1) Alternative forms of discipline.

35 (2) Child growth and development.

36 (3) Behavior management techniques.

37 (4) Differential needs and treatment of children.

38 (5) Behavior de-escalation techniques.

39 (i) Arranging for the provision of respite care services and
40 frequency of respite care.

(j) Social work staffing. Social workers shall have a master's degree consistent with subdivision (e) of Section 1506 of the Health and Safety Code, and shall have at least one year of experience working with seriously emotionally disturbed children or children who have a serious behavioral problem.

(k) Other staff or contract services to be utilized in service delivery, the tasks and responsibilities of those individuals, and the training they will receive.

(l) An evaluation component that includes quarterly reporting to the department of the following data, by age group. The department shall publish the data annually.

(1) Number of children placed under this chapter.

(2) Number of prior foster care placements for each child prior to entering the ITFC program.

(3) Outcomes for children referred to the program, including:

(A) Percentage of children discharged to a more intensive program.

(B) Percentage of children discharged to a less restrictive program, short of permanency.

(C) Percentage of children who drop down an ITFC level.

(D) Percentage of children discharged to reunification with a parent or guardian.

(E) Percentage of children discharged to adoption.

(F) Percentage of children discharged to kin guardianship.

(G) Percentage of children discharged to other permanent outcome.

(H) Percentage of children hospitalized.

(I) Number of ITFC families in which a child was placed.

(J) Percentage of children continuing in placement.

(m) A plan for surveying placing counties annually to ascertain and report to the department on the following:

(1) Quality of services provided.

(2) Progress toward treatment goals.

~~SEC. 82.~~

SEC. 81. Section 18358.30 of the Welfare and Institutions Code is amended to read:

18358.30. (a) Rates for foster family agency programs participating under this chapter shall be exempt from the current 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 and other support services on a flexible, as

needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(B) (i) For the interim period beginning July 1, 2012, through December 31, 2016, inclusive, only the following modified service and rate levels to support modified in-home support counselor hours per month shall apply:

| Service and Rate Level | In-Home Support Counselor Hours Per Month |
|------------------------------|---|
| Level I | 81-114 hours |
| Level II | 47-80 hours |
| Level III | Less than 47 hours |

(ii) Children placed at Service and Rate Level III shall receive behavior de-escalation and other support services on a flexible, as needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(C) When the interagency review team or county placing agency and the foster family agency agree that alternative services are in the best interests of the child, the foster family agency may provide or arrange for services and supports allowable under California's foster care program in lieu of in-home support services required by subparagraphs (A) and (B). These services and supports may include, but need not be limited to, activities in the Multidimensional Treatment Foster Care (MTFC) program.

(c) The department or placing county, or both, may review the level of services provided by the foster family agency program. If the level of services actually provided are less than those required by subdivision (b) for the child's service and rate level, the rate shall be adjusted to reflect the level of service actually provided, and an overpayment may be established and recovered by the department.

(d) (1) On and after July 1, 1998, the standard rate schedule of service and rate levels shall be:

| | | |
|---|------------|---------------|
| 1 | Service | Fiscal Year |
| 2 | and | 1998-99 |
| 3 | Rate Level | Standard Rate |
| 4 | A | \$3,957 |
| 5 | B | \$3,628 |
| 6 | C | \$3,290 |
| 7 | D | \$2,970 |
| 8 | 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.

1 (f) It is the intent of the Legislature that the rate paid to
2 participating foster family agency programs shall decrease as the
3 child's need for services from the foster family agency decreases.
4 The foster family agency shall notify the placing county and the
5 department of the reduced services and the pilot classification
6 model, and the rate shall be reduced accordingly.

7 (g) It is the intent of the Legislature to prohibit any duplication
8 of public funding. Therefore, social worker services, payments to
9 certified foster parents, administrative activities, and the services
10 of in-home support counselors that are funded by another public
11 source shall not be counted in determining whether the foster
12 family agency program has met its obligations to provide the items
13 listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The
14 department shall work with other potentially affected state
15 departments to ensure that duplication of payment or services does
16 not occur.

17 (h) It is the intent of the Legislature that the State Department
18 of Social Services and the State Department of Health Care
19 Services, in collaboration with county placing agencies and ITFC
20 providers and other stakeholders, develop and implement an
21 integrated system that provides for the appropriate level of
22 placement and care, support services, and mental health treatment
23 services to foster children served in these programs.

24 (i) Beginning in the 2011–12 fiscal year, and for each fiscal
25 year thereafter, funding and expenditures for programs and
26 activities under this section shall be in accordance with the
27 requirements provided in Sections 30025 and 30026.5 of the
28 Government Code.

29 (j) Notwithstanding subdivisions (d) and (e), the department
30 shall implement a new interim rate structure for the period
31 beginning January 1, 2017, to December 31, 2024, inclusive. The
32 rate shall reflect the appropriate level of placement and address
33 the need for specialized health care, support services, and mental
34 health treatment services for foster children served in these
35 programs.

36 ~~SEC. 83.~~

37 *SEC. 82.* Section 18360.10 of the Welfare and Institutions
38 Code is amended to read:

1 18360.10. (a) Each licensed foster family agency or county
2 operating a public delivery model intensive services foster care
3 program shall engage in both of the following:

4 (1) Targeted selection and specialized training of intensive
5 services foster care resource families used to provide care and
6 supervision to eligible children placed in an intensive services
7 foster care program.

8 (2) Placement matching between eligible children with intensive
9 services foster care resource families.

10 (b) In addition to the training requirements for resource families
11 set forth in Section 16519.5 of this code and in Chapter 3
12 (commencing with Section 1500) of Division 2 of the Health and
13 Safety Code, intensive services foster care resource family training
14 shall be a condition for participating in the intensive services foster
15 care program, and conform to the following:

16 (1) (A) Preplacement training for intensive services foster care
17 resource families shall be at least 40 hours and shall be completed
18 prior to the placement of an eligible child, unless the intensive
19 services foster care resource family meets the condition of
20 paragraph (5). Training hours may be satisfied, in part or in whole,
21 by either of the following:

22 (i) Twelve hours may be satisfied through the training required
23 by paragraph (13) of subdivision (g) of Section 16519.5 or, for
24 licensed foster family homes and certified family homes of foster
25 family agencies, the preplacement training received pursuant to
26 Section 1529.2 of the Health and Safety Code.

27 (ii) For an intensive services foster care resource parent who is
28 also a health care professional, preplacement training hours may
29 be satisfied on an hour-by-hour basis by the training hours
30 necessary to obtain or maintain their licensure or certification.

31 (B) Ongoing training for intensive services foster care resource
32 families shall be at least 24 hours within 12 months of the
33 placement of an eligible child, and 12 hours for each year
34 thereafter, which may be satisfied, in part or in whole, by either
35 of the following:

36 (i) Eight hours may be satisfied through the training required
37 by paragraph (14) of subdivision (g) of Section 16519.5 or, for
38 licensed foster family homes and certified family homes of foster
39 family agencies, the training received pursuant to Section 1529.2
40 of the Health and Safety Code.

1 (ii) For an intensive services foster care resource parent who is
2 also a health care professional, ongoing training hours may be
3 satisfied on an hour-by-hour basis by the training hours necessary
4 to obtain or maintain their licensure or certification.

5 (2) In a two-parent intensive services foster care resource family,
6 placement of an eligible child may be made after one parent has
7 completed the preplacement training required by subparagraph
8 (A) of paragraph (1), followed by the 24 hours of ongoing training
9 required by subparagraph (B) of paragraph (1), provided that the
10 second parent has completed 20 hours of the preplacement training
11 required by subparagraph (A) of paragraph (1) prior to the
12 placement of an eligible child and the remaining 20 hours of the
13 preplacement training required by subparagraph (A) of paragraph
14 (1) within 12 months of placement of an eligible child. The second
15 parent shall not be required to complete the 24 hours of ongoing
16 training required by subparagraph (B) of paragraph (1). Thereafter,
17 each parent shall complete the 12 hours of ongoing training
18 required by subparagraph (B) of paragraph (1).

19 (3) Any preplacement or ongoing training hours required by
20 paragraphs (1) and (2) that are satisfied with training hours obtained
21 pursuant to Section 16519.5 of this code or Section 1529.2 of the
22 Health and Safety Code shall not waive the requirement to receive
23 training necessary to meet the needs of a specific eligible child.

24 (4) The 40 hours of preplacement training required by
25 subparagraph (A) of paragraph (1) shall include, but not be limited
26 to, information relating to working with children who have
27 experienced trauma, behavior de-escalation techniques, and
28 cardiopulmonary resuscitation and first aid. The preplacement
29 training may be customized to each intensive services foster care
30 resource family based on the populations of children the family
31 intends to serve. Additional preplacement training subject matter
32 may be required by the county placing agency depending on the
33 special needs of an eligible child to be placed with the intensive
34 services foster care resource family.

35 (5) An intensive services foster care resource family that has
36 not completed the training required in this subdivision may accept
37 an eligible child, or retain a child identified as an eligible child
38 subsequent to placement, under the following conditions:

39 (A) (i) In a one-parent intensive services foster care resource
40 family, the intensive services foster care resource parent completes

1 the 40 hours of preplacement training required by subparagraph
2 (A) of paragraph (1) within 120 days after the placement, or
3 identification, of an eligible child.

4 (ii) In a two-parent intensive services foster care resource family,
5 the first parent completes the 40 hours of preplacement training
6 required by subparagraph (A) of paragraph (1) within 120 days
7 after the placement, or identification, of an eligible child, and the
8 second intensive services foster care resource parent completes
9 the initial 20 hours of preplacement training within 180 days from
10 the placement, or identification, of an eligible child and the
11 remaining 20 hours of the preplacement training within 12 months
12 of placement, or identification, 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).

15 (B) Placement, or identification, of an eligible child is made
16 pursuant to the level of care rate protocol in order to meet the
17 urgent placement needs of a child.

18 (C) The county placing agency shall provide or arrange for any
19 necessary service and support to a child in a resource family
20 pending the family's transition to an intensive services foster care
21 resource family or a placement change.

22 (c) (1) A licensed foster family agency or county operating an
23 intensive services foster care program shall provide all of the
24 following:

25 (A) (i) Necessary core services and supports that are identified
26 in the individual needs and services plan and that constitute care
27 and supervision, as defined in subdivision (b) of Section 11460,
28 and core services, as described in subdivision (b) of Section 11463.

29 (ii) Core services and support may be provided either directly
30 by the licensed foster family agency or county or secured through
31 agreements with other agencies.

32 (iii) Each licensed foster family agency or county operating an
33 intensive services foster care program shall arrange for the services
34 needed by each child for which the child meets the eligibility
35 criteria under applicable publicly funded programs, including, but
36 not limited to, mental health, education, and health services.

37 (iv) A licensed foster family agency shall describe its intensive
38 services foster care program model in the program statement
39 required pursuant to Section 1506.1 of the Health and Safety Code,
40 including by identifying a 24-hour on-call administrator or

1 designee, identifying the staff delivering core services and supports,
2 and describing the manner in which core services and supports are
3 delivered.

4 (B) Necessary professional and paraprofessional staff.

5 (C) Social work staff to manage cases of eligible children,
6 consistent with the requirements set forth in Chapter 3
7 (commencing with Section 1500) of Division 2 of the Health and
8 Safety Code.

9 (2) (A) A licensed foster family agency or county operating an
10 intensive services foster care program may employ client support
11 staff, as appropriate, who have experience working with children,
12 youth, and families with special needs.

13 (B) Client support staff shall have at least one of the following:

14 (i) A minimum of a bachelor's degree and six months of
15 experience in working with children who have serious emotional
16 or behavioral needs, or children who have special needs, including,
17 but not limited to, intensive medical needs.

18 (ii) A minimum of an associate's degree and one year of
19 experience in working with children who have serious emotional
20 or behavioral needs, or children who have special needs, including,
21 but not limited to, intensive medical needs.

22 (iii) The department may waive the educational requirements
23 described in clauses (i) and (ii) for client support staff who have
24 direct client supervision with at least two years of experience
25 working with children who have serious emotional or behavioral
26 needs, or children who have special needs, including, but not
27 limited to, intensive medical needs, and who have demonstrated
28 a combination of education, skills, and experience that meets the
29 specific needs of the target population, including, but not limited
30 to, cultural and linguistic needs.

31 (C) (i) Client support staff shall receive at least 40 hours of
32 training that includes, but is not limited to, information relating to
33 working with children who have experienced trauma, behavior
34 de-escalation techniques, cardiopulmonary resuscitation and first
35 aid, and implementing individual needs and services plans for
36 children who have serious emotional or behavioral needs or
37 children who have special needs, including, but not limited to,
38 intensive medical needs. A client support staff shall complete all
39 training prior to an eligible child being placed in an intensive

1 services foster care resource family home for which the client
2 support staff is assigned responsibility.

3 (ii) Client support staff shall complete 20 hours of ongoing
4 in-service training within the first 12 months after becoming an
5 intensive services foster care client support staff.

6 (D) Each client support staff shall provide support services to
7 the child and the intensive services foster care resource family to
8 implement the child's individual needs and services plan that is
9 appropriate. The client support staff shall review the child's
10 individual needs and services plan with the intensive services foster
11 care resource parents and the child and family team, as needed.

12 (3) If an eligible child is a child with special health care needs,
13 as defined in subdivision (a) of Section 17710, support
14 professionals may be employed as staff or contractors operating
15 within the scope of practice of their license or certification to
16 implement the child's individual needs and services plan and
17 individualized health care plan, as approved by the county placing
18 agency and informed by the child and family team, as defined in
19 paragraph (4) of subdivision (a) of Section 16501, or the
20 individualized health care plan team, as defined in subdivision (d)
21 of Section 17710.

22 (4) Notwithstanding paragraphs (2) and (3), training hours may
23 be satisfied for intensive services foster care client support staff
24 caring for children with special health care needs on an
25 hour-by-hour basis by the training received pursuant to subdivision
26 (c) of Section 17731, or as required by the licensing board within
27 their scope of practice.

28 ~~SEC. 84.~~

29 *SEC. 83.* Section 18999.93 of the Welfare and Institutions
30 Code is amended to read:

31 18999.93. (a) (1) Subject to an appropriation in the 2021
32 Budget Act for purposes of this chapter, the C.R.I.S.E.S. Grant
33 Pilot Program established pursuant to Section 18999.91 shall be
34 administered by the department.

35 (2) (A) The department shall award grants to eligible grantees,
36 as determined by the department, based on grant eligibility criteria
37 developed in partnership with the stakeholder workgroup.

38 (B) For purposes of this paragraph, an eligible grantee is a city,
39 county, or tribe, or a department of a city, county, or tribe,
40 including, but not limited to, departments of social services,

1 disability services, health services, public health, or behavioral
2 health. Law enforcement agencies and organizations are not eligible
3 grantees.

4 (3) Each grantee shall receive a minimum award of two hundred
5 fifty thousand dollars (\$250,000) per year.

6 (4) (A) Funds awarded pursuant to this chapter shall be utilized
7 to create and strengthen community-based alternatives to law
8 enforcement to lessen the reliance on law enforcement agencies
9 as first responders to crisis situations unrelated to a fire department
10 or emergency medical service response.

11 (B) Community-based alternatives may include, but are not
12 limited to, providing mobile crisis response teams or community
13 para-medicine programs. Community-based alternatives shall not
14 include law enforcement officers or agencies as first responders
15 or coresponders.

16 (5) The department shall prioritize grantees that propose
17 interventions that serve historically marginalized populations and
18 that serve communities with a demonstrated need for
19 community-based alternatives to law enforcement, as evidenced
20 by metrics, including, a high record of police use of force, a high
21 volume of civilian complaints, high rates of imprisonment, and
22 racial profiling.

23 (b) (1) Grantees shall award 90 percent or more of the grant
24 funds to one or more qualifying community-based organizations,
25 to create and strengthen community-based alternatives to law
26 enforcement as described in paragraph (4) of subdivision (a). No
27 more than 10 percent of the grant funds shall be used to support
28 program administration of the grantee.

29 (2) Grantees shall publicly solicit partnerships with
30 community-based organizations. This public solicitation shall
31 include, but not limited to, all of the following:

32 (A) Issuing a public notice and invitation to create a partnership
33 to establish a program pursuant to this chapter.

34 (B) Inviting letters of intent from community-based
35 organizations.

36 (C) Convening public meetings to hear questions, concerns, and
37 suggestions from the community that would inform the
38 development of the program.

39 (3) Grantees shall prioritize the awarding of program funds to
40 qualified community-based organizations that demonstrate the

1 capacity to lead the proposed program and demonstrate experience
2 providing community-based alternatives to law enforcement or
3 civilian crisis response in the communities listed in paragraph (5)
4 of subdivision (a). This includes, but is not limited to, the ability
5 to do any of the following:

6 (A) Respond to emergency calls.

7 (B) Provide treatment, screening, and assessment.

8 (C) Provide stabilization and de-escalation services.

9 (D) Coordinate with health, social services, and other support
10 services, as needed.

11 (E) Maintain relationships with relevant community partners,
12 including a range of community organizers, and medical,
13 behavioral health, and crisis providers.

14 (4) A grantee and the community-based organization that
15 receives funds may collaborate on program planning and
16 implementation of community-based alternatives to law
17 enforcement, including, but not limited to, any of the following:

18 (A) Local stakeholder engagement.

19 (B) Mechanisms for response requests.

20 (C) Crisis response activities.

21 (D) Crisis response followup, including coordination with local
22 services and supports, tracking service delivery data, and
23 submitting grant reports.

24 (c) A grantee shall report at least annually to the department on
25 the use of program funding, which shall include data reporting on
26 clients served and program outcomes, as determined by the
27 department in consultation with stakeholder workgroup.

28 (d) (1) The department shall convene a stakeholder workgroup
29 to make recommendations to the department regarding
30 implementation of the program. The department shall convene
31 regular meetings with the stakeholder workgroup in which the
32 workgroup shall do all of the following:

33 (A) Provide input regarding criteria for qualified grantees.

34 (B) Provide best practices and program recommendations.

35 (C) Provide consultation on implementation and priorities for
36 technical assistance.

37 (D) Identify barriers to implementation and suggest solutions
38 to address those barriers.

39 (E) Recommend anonymous data to be collected.

40 (F) Collaboratively review data and program outcomes.

1 (G) Advise on the design of the evaluation.

2 (2) (A) The members of the stakeholder workgroup shall
3 include, but not be limited to, a minimum of one of each of the
4 following individuals:

5 (i) Emergency medical system practitioners with experience
6 providing community-based, trauma-informed, culturally
7 competent care, de-escalation strategies, and harm reduction
8 support.

9 (ii) Public health or behavioral health practitioners with specific
10 experience in community health and an understanding of health
11 care, mental health services, trauma-informed, culturally competent
12 care, de-escalation strategies, and harm reduction 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.

31 *SEC. 84. Any section of any act enacted by the Legislature*
32 *during the 2025 calendar year that takes effect on or before*
33 *January 1, 2026, and that amends, amends and renumbers, adds,*
34 *repeals and adds, or repeals a section that is amended, amended*
35 *and renumbered, added, repealed and added, or repealed by this*
36 *act, shall prevail over this act, whether the act is enacted before,*
37 *or subsequent to, the enactment of this act.*