

Introduced by Committee on Budget and Fiscal Review

January 23, 2025

~~An act relating to the Budget Act of 2025.~~ *An act to amend Section 12838.6 of the Government Code, to amend Sections 2053.1, 5007.3, 5068.5, 6006, 6027, 6126, and 6126.3 of, to add and repeal Sections 830.83 and 832.55 of, to add and repeal Article 2.45 (commencing with Section 11073) of Chapter 1 of Title 1 of Part 4 of, to repeal Sections 1233.9, 1233.10, 6008, 6044, 6140, and 6141 of, and to repeal and add Sections 6006.5 and 6007 of, the Penal Code, and to amend Sections 209 and 4361 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 134, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2025.~~ *Public Safety.*

(1) Existing law establishes the Office of the Inspector General, which is responsible for, among other things, contemporaneous public oversight of the Department of Corrections and Rehabilitation investigations and staff grievance inquiries conducted by the department's Office of Internal Affairs. Existing law establishes within the office the California Rehabilitation Oversight Board, which consists of 11 members. Existing law requires the board, among other things, to regularly examine the various mental health, substance abuse, educational, and employment programs for incarcerated persons and parolees operated by the department.

This bill would repeal the provisions establishing the board and its responsibilities.

Existing law also requires the Inspector General to conduct an oversight and inspection program to periodically review delivery of the reforms identified in a specified document released by the department in 2012.

This bill would remove the requirement that the Inspector General conduct that oversight and inspection program. The bill would also make conforming changes.

Existing law requires the department to establish the California Reentry and Enrichment (CARE) Grant program to provide grants to community-based organizations that provide rehabilitative services to incarcerated individuals. Existing law requires the department to establish a CARE Grant program steering committee, which establishes grant criteria, select grant recipients, and determine grant amounts and the number of grants. Existing law requires the members of the committee to include, among others, a member from the Office of the Inspector General who is familiar with the work and objectives of the California Rehabilitation Oversight Board.

This bill would delete the provisions requiring a member from the Office of the Inspector General.

(2) Existing law establishes the Council on Criminal Justice and Behavioral Health within the Department of Corrections and Rehabilitation for the investigation and promotion of cost-effective approaches to meeting the long-term needs of adults and juveniles with behavioral health disorders who are likely to become offenders or who have a history of offending.

Existing law supports county activities that will divert individuals with serious mental illnesses away from the criminal justice system, as specified, and requires the State Department of State Hospitals to, among other things, consult with the council to evaluate county proposals to help fund the development or expansion of mental health diversion, as specified.

This bill would repeal the provisions that establish the council and make other conforming changes, including deleting the above-described requirement that the State Department of State Hospitals consult with the council to evaluate county proposals relating to mental health diversion.

(3) Existing law creates the Recidivism Reduction Fund in the State Treasury, to be available upon appropriation by the Legislature, for

activities designed to reduce the state's prison population, including, but not limited to, reducing recidivism. Existing law requires funds in the Recidivism Reduction Fund that were not encumbered by June 30, 2016, to revert to the General Fund and abolishes the fund when all encumbered funds are liquidated. Existing law requires, upon agreement to accept funding from the Recidivism Reduction Fund, a county board of supervisors, in collaboration with the county's Community Corrections Partnership, to develop, administer, collect, and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, including, but not limited to, delinquency prevention, homelessness prevention, and reentry services. Under existing law, commencing with specified fiscal years, the funding was allocated to counties based on a specified schedule.

This bill would repeal the provisions mentioned above.

(4) Existing law establishes the Board of State and Community Corrections and sets forth its powers and duties, including, among other things, collecting and maintaining available information and data about state and community correctional policies, practices, capacities, and needs. Existing law, commencing January 1, 2013, and annually thereafter, requires the board to collect and analyze available data regarding the implementation of local plans relating to the 2011 Public Safety Realignment and other outcome-based measures, as specified. Existing law, by July 1, 2013, and annually thereafter, requires the board to provide a report on the implementation of those plans to the Governor and the Legislature.

This bill would delete the provisions requiring the board to collect and analyze data regarding the implementation of local plans, as specified, and to provide a report on the implementation of those plans to the Governor and the Legislature.

Existing law requires the Board of State and Community Corrections to conduct a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, as specified. Existing law specifies that a juvenile facility is unsuitable for the confinement of juveniles if the facility is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the board and the facility has failed to file an approved corrective action plan with the board. Existing law requires, if a juvenile facility does not resolve the noncompliance issues outlined in its corrective plan, the board to make a determination of suitability

at its next scheduled meeting. Existing law prohibits the facility from being used to confine juveniles if it is not being operated and maintained as a suitable place for the confinement of juveniles.

This bill would authorize the board to delegate authority to approve or disapprove a corrective action plan to the board's executive director or a deputy director. The bill would, if that authority is delegated, require the delegee to approve or disapprove the corrective action plan in accordance with criteria and considerations established by the board and require the board to subsequently ratify or overrule the corrective action plan. The bill would also authorize the board to bring a civil action to enforce compliance with minimum standards for juvenile facilities or closure in the superior court in the county in which a facility is located.

(5) Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement literacy programs in the state prison. Existing law requires the department to make college programs available for the benefit of inmates with a general education development certificate or equivalent or a high school diploma and requires those college programs to only be provided by the California Community Colleges, the California State University, the University of California, or other regionally accredited, nonprofit colleges or universities.

This bill would authorize those college programs to be provided by accredited public or nonprofit colleges or universities outside of the state, as specified.

Existing law requires an inmate who is enrolled, pursuant to these provisions, in a full-time college program consisting of 12 semester units, or the academic quarter equivalent, of credit-bearing courses leading to an associate degree or a bachelor's degree to be deemed by the department to be assigned to a full-time work or training assignment.

This bill would instead require an inmate enrolled in a degree-granting college or university program, as specified, to receive the same privileges as an inmate with a full-time work or training assignment.

(6) Existing law requires any person employed or under contract to provide mental health diagnostic, treatment, or other mental health services in the state correctional system to be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified. Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to waive that requirement

for persons in the professions of psychology or social work who are gaining qualifying experience for licensure in that profession in this state. For persons employed less than full time as psychologists or clinical social workers, existing law authorizes an extension of a waiver to be granted for additional years proportional to the extent of part-time employment, as provided, but prohibits the waiver from exceeding 6 years in the case of clinical social workers or 5 years in the case of psychologists.

This bill would additionally allow mental health professionals to be employed or under contract to provide mental health diagnostic, treatment, or other mental health services in the state correctional system. The bill would authorize the secretary to additionally waive that requirement for persons in the professions of marriage and family therapy or professional clinical counseling who are gaining qualifying experience for licensure in those professions. The bill would additionally authorize an extension of a waiver to persons employed less than full time as marriage and family therapists or professional clinical counselors and prohibit the waiver from exceeding 6 years for those professions.

(7) Existing law generally provides for the control and prevention of tuberculosis. Existing law requires various state entities, including the Department of Corrections and Rehabilitation, to meet and confer with recognized employee organizations, as specified, to develop rules regarding the mandatory examination or testing for tuberculosis of the staff of those entities. Existing law prohibits a person from being employed by the department unless that person, after an offer of employment, completes an examination, test, or medical evaluation and is found to be free of tuberculosis prior to assuming work duties. As a condition of continued employment with the department, existing law requires employees who are skin-test negative to receive an examination or test at least once a year, or more often if directed by the department, for as long as the employee remains skin-test negative. Existing law defines various terms for purposes of these provisions.

This bill would revise and recast the above-described provisions to require the department to develop rules regarding the mandatory examination or testing for tuberculosis of its staff, as specified. The bill would require a person who is employed by the department and whose primary job functions require them to work inside an institution to complete baseline TB screening and testing and provide a certificate to the department within seven days of appointment to their position

showing they are free of active tuberculosis. The bill would require specified employees to receive annual TB screening and ensure that certificates are submitted and accepted by the department, as specified. The bill would authorize the department to require more frequent TB screening or testing, as specified, if there is a known exposure or ongoing transmission within an institution. The bill would delete obsolete definitions, update other definitions, and define additional terms, including “annual TB screening” and “baseline TB screening and testing.”

Existing law requires volunteers of the department, prior to assuming their duties and annually thereafter, to furnish the department with a certificate showing that they have been examined and found to be free of tuberculosis. Existing law requires employees from other state agencies who are assigned to work in an institution to comply with prescribed requirements for tuberculosis control and requires the department to offer examinations, tests, or medical evaluations to those employees. Existing law prohibits the department from discriminating against an employee because the employee tested positive for tuberculosis. Existing law requires specified state entities, including the department, to report to the State Department of Health Care Services the results of these tuberculosis examinations.

This bill would delete those provisions.

(8) Existing law defines those persons who are peace officers in the state, grants certain authority to those individuals and their employing entities, and places certain requirements on those individuals and their employing entities. Existing law also grants specified limited arrest authority to certain other persons, including federal criminal investigators and park rangers and peace officers from adjoining jurisdictions.

Existing federal law authorizes tribal governments to employ tribal police for the enforcement of tribal law on tribal lands. Existing federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Existing state law deems a tribal police officer who has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California.

This bill would, from July 1, 2026, until July 1, 2029, establish a pilot program under the Department of Justice and the Commission on Peace Officer Standards and Training granting peace officer authority to certain tribal police officers on Indian lands and elsewhere in the state under specified circumstances. The bill would authorize the department

to select 3 tribal entities to participate, would set certain minimum qualifications and certification and training requirements for a tribal officer to act pursuant to this authority, and would place certain requirements on the employing tribe, including a limited waiver of sovereign immunity, and the adoption of a tribal law or resolution authorizing that exercise of authority and providing for public access to certain records. The bill would require the Department of Justice to provide ongoing monitoring and evaluation and to prepare and submit reports to the Legislature, as specified.

Existing law authorizes a county to establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among various agencies involved in domestic violence cases. Under existing law, an oral or written communication or a document provided by a third party to a domestic violence review team is confidential and not subject to disclosure or discovery.

This bill would authorize a tribe participating in this pilot program to establish a domestic violence death review team subject to the applicable provisions of this law.

This bill would also authorize participating tribes to enter into an agreement to share liability and collaborate on Missing and Murdered Indigenous Persons cases.

This bill would create the Tribal Police Pilot Fund in the State Treasury to, upon appropriation by the Legislature, assist program participants with the cost of information technology necessary for complying with reporting requirements for law enforcement agencies.

This bill would provide for implementation of all of these provisions only upon an appropriation by the Legislature for these purposes.

(9) The bill would appropriate \$5,000,000 for the 2025–26 fiscal year from the General Fund to the Department of Justice for purposes of administering the Tribal Police Pilot Program pursuant to Article 2.45 (commencing with Section 11073) of Chapter 1 of Title 1 of Part 4 of the Penal Code, as specified.

(10) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2025.*~~

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

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

1 *SECTION 1. Section 12838.6 of the Government Code is*
2 *amended to read:*

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

12 *SEC. 2. Section 830.83 is added to the Penal Code, immediately*
13 *following Section 830.8, to read:*

14 830.83. (a) Commencing on July 1, 2026, until July 1, 2029,
15 a chief of police appointed by a qualified entity enrolled in the
16 pilot program established by Section 11073 and meeting the
17 requirements of a qualified member, or a police officer, public
18 safety officer, or investigator employed in that capacity by a
19 qualified entity enrolled in the pilot program established by Section
20 11073 and meeting the requirements of a qualified member, is a
21 peace officer. As used in this section, “qualified entity” and
22 “qualified member” have the meanings set forth in Section 11073.

23 (b) The authority of a peace officer designated pursuant to this
24 section extends to any place within the territorial boundaries of
25 the Indian country of the employing tribe, in accordance with and
26 subject to any limitations of Public Law 280 (18 U.S.C. Sec. 1162).
27 The authority of a peace officer designated pursuant to this section
28 may also extend to any place in the state, under any of the following
29 circumstances:

- 30 (1) At the request of a state or local law enforcement agency.
31 (2) Under exigent circumstances involving an immediate danger
32 to persons or property, or the escape of a perpetrator.
33 (3) For the purpose of making an arrest consistent with Section
34 836, when a public offense has occurred, or there is probable
35 cause to believe a public offense has occurred, within the Indian
36 country of the tribe that employs the peace officer, and with the
37 prior consent of the chief of police or chief, director, or chief
38 executive officer of a consolidated municipal public safety agency,

1 *or person authorized by that chief, director, or officer to give*
2 *consent, if the place is within a city, or of the sheriff, or person*
3 *authorized by the sheriff to give consent, if the place is within an*
4 *unincorporated area of a county.*

5 *(4) Notwithstanding paragraph (3), when the peace officer is*
6 *in hot pursuit or close pursuit of an individual that the officer has*
7 *reasonable suspicion has violated or attempted to violate state*
8 *law and the violation occurred within the Indian country of the*
9 *tribe that employs the peace officer.*

10 *(5) When delivering an apprehended person to the custody of*
11 *a law enforcement authority or magistrate in the city or county in*
12 *which the offense occurred.*

13 *(c) This section shall become operative only upon an*
14 *appropriation of funds by the Legislature for the purposes of this*
15 *section.*

16 *(d) This section shall remain in effect only until July 1, 2032,*
17 *and as of that date is repealed.*

18 *SEC. 3. Section 832.55 is added to the Penal Code, immediately*
19 *following Section 832.5, to read:*

20 *832.55. (a) Notwithstanding subdivision (a) of Section 13510.1,*
21 *peace officers described in Section 830.83 shall be subject to the*
22 *applicable requirements of, the certification program for peace*
23 *officers described in Section 13510.1.*

24 *(b) (1) Every peace officer described in Section 830.83 shall*
25 *obtain the basic certificate issued by the Commission on Peace*
26 *Officer Standards and Training upon completion of a 12-month*
27 *probationary period, but in no case later than 24 months after*
28 *their employment, in order to continue to exercise the powers of*
29 *a peace officer after the expiration of the 24-month period.*

30 *(2) If the probationary period established by the employing*
31 *agency is 24 months, a peace officer described in this subdivision*
32 *may continue to exercise the powers of a peace officer for an*
33 *additional 3-month period to allow for the processing of the*
34 *certification application.*

35 *(c) Each police chief, or any other person in charge of a*
36 *qualified entity, as defined in Section 11073, as a condition of*
37 *continued authority as a peace officer, shall obtain the basic*
38 *certificate issued by the Commission on Peace Officer Standards*
39 *and Training within two years of appointment.*

(d) Subdivisions (b) and (c) shall not apply to a police officer, public safety officer, or investigator described in Section 830.83 who currently possesses a valid and active basic certificate.

(e) This section shall become operative only upon an appropriation of funds by the Legislature for the purposes of this section.

(f) This section shall remain in effect only until January 1, 2032, and as of that date is repealed.

SEC. 4. Section 1233.9 of the Penal Code is repealed.

~~1233.9. (a) There is hereby created in the State Treasury the Recidivism Reduction Fund for moneys to be available upon appropriation by the Legislature, for activities designed to reduce the state's prison population, including, but not limited to, reducing recidivism. Funds available in the Recidivism Reduction Fund may be transferred to the State Community Corrections Performance Incentives Fund.~~

~~(b) Any funds in the Recidivism Reduction Fund not encumbered by June 30, 2016, shall revert to the General Fund upon order of the Department of Finance.~~

~~(c) The Recidivism Reduction Fund shall be abolished once all funds encumbered in the Recidivism Reduction Fund are liquidated.~~

SEC. 5. Section 1233.10 of the Penal Code is repealed.

~~1233.10. (a) Upon agreement to accept funding from the Recidivism Reduction Fund, created in Section 1233.9, a county board of supervisors, in collaboration with the county's Community Corrections Partnership, shall develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, including, but not limited to, delinquency prevention, homelessness prevention, and reentry services.~~

~~(1) Commencing with the 2014-15 fiscal year, the funding shall be allocated to counties by the State Controller's Office from Item 5227-101-3259 of Section 2.00 of the Budget Act of 2014 according to the following schedule:~~

Alameda	\$—250,000
Alpine	\$—10,000
Amador	\$—10,000

1	Butte	\$—50,000
2	Calaveras	\$—10,000
3	Colusa	\$—10,000
4	Contra Costa	\$—250,000
5	Del Norte	\$—10,000
6	El Dorado	\$—50,000
7	Fresno	\$—250,000
8	Glenn	\$—10,000
9	Humboldt	\$—50,000
10	Imperial	\$—50,000
11	Inyo	\$—10,000
12	Kern	\$—250,000
13	Kings	\$—50,000
14	Lake	\$—25,000
15	Lassen	\$—10,000
16	Los Angeles	\$1,600,000
17	Madera	\$—50,000
18	Marin	\$—50,000
19	Mariposa	\$—10,000
20	Mendocino	\$—25,000
21	Merced	\$—50,000
22	Modoc	\$—10,000
23	Mono	\$—10,000
24	Monterey	\$—100,000
25	Napa	\$—50,000
26	Nevada	\$—25,000
27	Orange	\$—500,000
28	Placer	\$—50,000
29	Plumas	\$—10,000
30	Riverside	\$—500,000
31	Sacramento	\$—250,000
32	San Benito	\$—25,000
33	San Bernardino	\$—500,000
34	San Diego	\$—500,000
35	San Francisco	\$—250,000
36	San Joaquin	\$—250,000
37	San Luis Obispo	\$—50,000
38	San Mateo	\$—250,000
39	Santa Barbara	\$—100,000
40	Santa Clara	\$—500,000

1	Santa Cruz	\$—50,000
2	Shasta	\$—50,000
3	Sierra	\$—10,000
4	Siskiyou	\$—10,000
5	Solano	\$—100,000
6	Sonoma	\$—100,000
7	Stanislaus	\$—100,000
8	Sutter	\$—25,000
9	Tehama	\$—25,000
10	Trinity	\$—10,000
11	Tulare	\$—100,000
12	Tuolumne	\$—25,000
13	Ventura	\$—250,000
14	Yolo	\$—50,000
15	Yuba	\$—25,000

16

17 (2) Commencing with the 2015–16 fiscal year, the funding shall
 18 be allocated to counties by the State Controller’s Office from Item
 19 5227-101-3259 of Section 2.00 of the Budget Act of 2015
 20 according to the following schedule:

21

22	Alameda	\$—125,000
23	Alpine	\$—5,000
24	Amador	\$—5,000
25	Butte	\$—25,000
26	Calaveras	\$—5,000
27	Colusa	\$—5,000
28	Contra Costa	\$—125,000
29	Del Norte	\$—5,000
30	El Dorado	\$—25,000
31	Fresno	\$—125,000
32	Glenn	\$—5,000
33	Humboldt	\$—25,000
34	Imperial	\$—25,000
35	Inyo	\$—5,000
36	Kern	\$—125,000
37	Kings	\$—25,000
38	Lake	\$—12,500
39	Lassen	\$—5,000
40	Los Angeles	\$—800,000

1	Madera	\$—25,000
2	Marin	\$—25,000
3	Mariposa	\$—5,000
4	Mendocino	\$—12,500
5	Merced	\$—25,000
6	Modoc	\$—5,000
7	Mono	\$—5,000
8	Monterey	\$—50,000
9	Napa	\$—25,000
10	Nevada	\$—12,500
11	Orange	\$—250,000
12	Placer	\$—25,000
13	Plumas	\$—5,000
14	Riverside	\$—250,000
15	Sacramento	\$—125,000
16	San Benito	\$—12,500
17	San Bernardino	\$—250,000
18	San Diego	\$—250,000
19	San Francisco	\$—125,000
20	San Joaquin	\$—125,000
21	San Luis Obispo	\$—25,000
22	San Mateo	\$—125,000
23	Santa Barbara	\$—50,000
24	Santa Clara	\$—250,000
25	Santa Cruz	\$—25,000
26	Shasta	\$—25,000
27	Sierra	\$—5,000
28	Siskiyou	\$—5,000
29	Solano	\$—50,000
30	Sonoma	\$—50,000
31	Stanislaus	\$—50,000
32	Sutter	\$—12,500
33	Tehama	\$—12,500
34	Trinity	\$—5,000
35	Tulare	\$—50,000
36	Tuolumne	\$—12,500
37	Ventura	\$—125,000
38	Yolo	\$—25,000
39	Yuba	\$—12,500
40		

~~(b) For purposes of this section, “community recidivism and crime reduction service provider” means a nongovernmental entity or a consortium or coalition of nongovernmental entities, that provides community recidivism and crime reduction services, as described in paragraph (2) of subdivision (c), to persons who have been released from the state prison, a county jail, a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities.~~

~~(c) (1) A community recidivism and crime reduction service provider shall have a demonstrated history of providing services, as described in paragraph (2), to the target population during the five years immediately prior to the application for a grant awarded pursuant to this section.~~

~~(2) A community recidivism and crime reduction service provider shall provide services that are designed to enable persons to whom the services are provided to refrain from engaging in crime, reconnect with their family members, and contribute to their communities. Community recidivism and crime reduction services may include all of the following:~~

- ~~(A) Self-help groups.~~
- ~~(B) Individual or group assistance with basic life skills.~~
- ~~(C) Mentoring programs.~~
- ~~(D) Academic and educational services, including, but not limited to, services to enable the recipient to earn his or her high school diploma.~~
- ~~(E) Job training skills and employment.~~
- ~~(F) Truancy prevention programs.~~
- ~~(G) Literacy programs.~~
- ~~(H) Any other service that advances community recidivism and crime reduction efforts, as identified by the county board of supervisors and the Community Corrections Partnership.~~
- ~~(I) Individual or group assistance with referrals for any of the following:~~
 - ~~(i) Mental and physical health assessments.~~
 - ~~(ii) Counseling services.~~
 - ~~(iii) Education and vocational programs.~~
 - ~~(iv) Employment opportunities.~~
 - ~~(v) Alcohol and drug treatment.~~

1 ~~(vi) Health, wellness, fitness, and nutrition programs and~~
2 ~~services:~~

3 ~~(vii) Personal finance and consumer skills programs and~~
4 ~~services:~~

5 ~~(viii) Other personal growth and development programs to~~
6 ~~reduce recidivism:~~

7 ~~(ix) Housing assistance:~~

8 ~~(d) Pursuant to this section and upon agreement to accept~~
9 ~~funding from the Recidivism Reduction Fund, the board of~~
10 ~~supervisors, in collaboration with the county's Community~~
11 ~~Corrections Partnership, shall grant funds allocated to the county,~~
12 ~~as described in subdivision (a), to community recidivism and crime~~
13 ~~reduction service providers based on the needs of their community:~~

14 ~~(e) (1) The amount awarded to each community recidivism and~~
15 ~~crime reduction service provider by a county shall be based on the~~
16 ~~population of the county, as projected by the Department of~~
17 ~~Finance, and shall not exceed the following for each Budget Act~~
18 ~~allocation:~~

19 ~~(A) One hundred thousand dollars (\$100,000) in a county with~~
20 ~~a population of over 4,000,000 people:~~

21 ~~(B) Fifty thousand dollars (\$50,000) in a county with a~~
22 ~~population of 700,000 or more people but less than 4,000,000~~
23 ~~people:~~

24 ~~(C) Twenty-five thousand dollars (\$25,000) in a county with a~~
25 ~~population of 400,000 or more people but less than 700,000 people:~~

26 ~~(D) Ten thousand dollars (\$10,000) in a county with a population~~
27 ~~of less than 400,000 people:~~

28 ~~(2) The total amount of grants awarded to a single community~~
29 ~~recidivism and crime reduction service provider by all counties~~
30 ~~pursuant to this section shall not exceed one hundred thousand~~
31 ~~dollars (\$100,000) per Budget Act allocation:~~

32 ~~(f) The board of supervisors, in collaboration with the county's~~
33 ~~Community Corrections Partnership, shall establish minimum~~
34 ~~requirements, funding criteria, and procedures for the counties to~~
35 ~~award grants consistent with the criteria established in this section:~~

36 ~~(g) A community recidivism and crime reduction service~~
37 ~~provider that receives a grant under this section shall report to the~~
38 ~~county board of supervisors or the Community Corrections~~
39 ~~Partnership on the number of individuals served and the types of~~
40 ~~services provided, consistent with paragraph (2) of subdivision~~

~~(c). The board of supervisors or the Community Corrections Partnership shall report to the Board of State and Community Corrections any information received under this subdivision from grant recipients.~~

~~(h) Of the total amount granted to a county, up to 5 percent may be withheld by the board of supervisors or the Community Corrections Partnership for the payment of administrative costs.~~

~~(i) Any funds allocated to a county under this section shall be available for expenditure for a period of four years and any unexpended funds shall revert to the state General Fund at the end of the four-year period.~~

SEC. 6. Section 2053.1 of the Penal Code is amended to read:

2053.1. (a) The Secretary of the Department of Corrections and Rehabilitation shall implement in every state prison literacy programs that are designed to ensure that upon parole inmates are able to achieve the goals contained in this section. The department shall prepare an implementation plan for this program, and shall request the necessary funds to implement this program as follows:

(1) The department shall offer academic programming throughout an inmate's incarceration that shall focus on increasing the reading ability of an inmate to at least a 9th grade level.

(2) For an inmate reading at a 9th grade level or higher, the department shall focus on helping the inmate obtain a general education development certificate, or its equivalent, or a high school diploma.

(3) (A) (i) The department shall make college programs available at every state prison for the benefit of inmates who have obtained a general education development certificate or equivalent or a high school diploma. The college programs shall only be provided by the California Community Colleges, the California State University, the University of California, or other ~~regionally accredited~~, *accredited public or nonprofit colleges or universities*.

(ii) For the purposes of this subparagraph, ~~“regionally accredited,”~~ *“accredited public or nonprofit colleges or universities”* means ~~nonpublic~~ higher education institutions that grant undergraduate degrees, graduate degrees, or both and that are *either public or* formed as nonprofit corporations in ~~this~~ *their* state and that are ~~regionally~~ accredited by an *accreditation* agency recognized by the United States Department of Education.

1 (B) The department shall prioritize colleges and universities
2 that:

- 3 (i) Provide face-to-face, classroom-based instruction.
- 4 (ii) Provide comprehensive in-person student supports, including
5 counseling, advising, tutoring, and library services.
- 6 (iii) Offer transferable degree-building pathways.
- 7 (iv) Facilitate real-time student-to-student interaction and
8 learning.
- 9 (v) Coordinate with other colleges and universities serving
10 students in the department so that inmate students who are
11 transferred to another institution can continue building toward a
12 degree or credential.
- 13 (vi) Coordinate with the California Community Colleges Rising
14 Scholars Network, the California State University Project Rebound
15 Consortium, the University of California Underground Scholars
16 Initiative, or other nonprofit postsecondary programs specifically
17 serving formerly incarcerated students so that incarcerated students
18 who are paroled receive support to continue building toward a
19 degree or credential.
- 20 (vii) Do not charge incarcerated students or their families for
21 tuition, course materials, or other educational components.
- 22 (viii) Waive or offer grant aid to cover tuition, course materials,
23 or other educational components for incarcerated students.

24 (C) Accredited postsecondary education providers shall be
25 responsible for:

- 26 (i) Determining and developing their curricula and degree
27 pathways.
- 28 (ii) Determining certificate pathways, in consultation with, and
29 with the approval of, the department.
- 30 (iii) Providing instructional staff and academic advising or
31 counseling staff.
- 32 (iv) Determining what specific services, including, but not
33 limited to tutoring, academic counseling, library, and career
34 advising, shall be offered to ensure incarcerated students can
35 successfully complete their course of study.

36 (D) An inmate who is enrolled, pursuant to this section, in a
37 ~~full-time college program consisting of 12 semester units, or the~~
38 ~~academic quarter equivalent thereof, of credit-bearing courses~~
39 ~~leading to an associate degree or a bachelor's degree shall be~~
40 ~~deemed by the department to be assigned to~~ *degree-granting*

1 *college or university program equivalent to full-time postsecondary*
2 *enrollment, as defined by state regulations for the respective*
3 *degree, shall receive the same privileges as an inmate with a*
4 *full-time work or training assignment.*

5 (E) Subparagraph (B) does not prevent an inmate from enrolling
6 on their own, independent of the department, in a postsecondary
7 education course that does not meet the criteria specified in that
8 subparagraph.

9 (4) While the department shall offer education to target
10 populations, priority shall be given to those with a criminogenic
11 need for education, those who have a need based on their
12 educational achievement level, or other factors as determined by
13 the department.

14 (b) In complying with the requirements of this section, the
15 department shall give strong consideration to the use of libraries
16 and librarians, computer-assisted training, and other innovations
17 that have proven to be effective in reducing illiteracy among
18 disadvantaged adults.

19 *SEC. 7. Section 5007.3 of the Penal Code is amended to read:*

20 5007.3. (a) (1) The department shall establish the California
21 Reentry and Enrichment (CARE) Grant program to provide grants
22 to ~~community-based~~ *community-based* organizations (CBOs) that
23 provide rehabilitative services to incarcerated individuals.

24 (2) Grants shall be awarded by the steering committee
25 established pursuant to subdivision (b) based on the following
26 criteria:

27 (A) The steering committee shall prioritize the continuation,
28 expansion, or replication of rehabilitative programs that have
29 previously demonstrated success with incarcerated individuals
30 within a correctional environment. This subparagraph does not
31 disqualify a relatively new CBO that has programming that shows
32 promise from applying for, or receiving, a grant.

33 (B) Grants shall be awarded to fund programs that provide
34 insight-oriented restorative justice and offender accountability
35 programs that can demonstrate that the approach has produced, or
36 will produce, positive outcomes in department facilities, including,
37 but not limited to:

38 (i) Increasing empathy and mindfulness.

39 (ii) Increasing resilience and reducing the impacts of stress and
40 trauma.

1 (iii) Reducing violence in the form of physical aggression, verbal
2 aggression, anger, and hostility.

3 (iv) Successfully addressing and treating the symptoms of
4 post-traumatic stress disorder.

5 (v) Victim impacts and understanding.

6 (C) To the extent that the information is available, applicants
7 shall provide evaluations and surveys, including qualitative and
8 quantitative information, from current and former program
9 participants and any program evaluation data conducted by an
10 outside research organization.

11 (b) The department shall establish a CARE Grant program
12 steering committee, which shall establish grant criteria, select grant
13 recipients, and determine grant amounts and the number of grants.
14 Members of the steering committee shall be chosen as a result of
15 consultation with the Senate and Assembly, as follows:

16 (1) One member shall be an educator or trainer in the field of
17 criminal justice, with specific knowledge and experience working
18 with adult offenders.

19 (2) One member shall be a researcher with specific expertise
20 evaluating the effectiveness of rehabilitative treatment for adult
21 offenders.

22 (3) Two members shall be representatives for ~~community-based~~
23 *community-based* organizations with experience working with the
24 department on CBO-led programs. The CBO representative is
25 ineligible to apply for a grant and shall not receive any
26 compensation from another nonprofit/CBO that receives a CARE
27 grant.

28 (4) Two members shall have firsthand knowledge of
29 rehabilitative CBO- or department-led programming through active
30 participation and completion of courses within the preceding five
31 years. These members are ineligible to apply for a grant and shall
32 not receive any compensation from another nonprofit or CBO that
33 receives a CARE grant.

34 (5) Two members shall be representatives of the Division of
35 Rehabilitative Programs within the department who have had
36 experience working directly with CBO programs.

37 (6) One member shall be a representative from the Division of
38 Adult Institutions to provide insight and knowledge of the most
39 effective CBO programs.

~~(7) One member shall be from the Office of the Inspector General who is familiar with the work and objectives of the California Rehabilitation Oversight Board.~~

(c) Prior to the release of the grant application, the department shall survey all adult prisons to determine which are able to support new programs provided by the grantees. A list of prisons that are able to add additional programs shall be clearly listed in the request for applications. All prisons that agree to accept additional programs, agree to facilitate and support the grantee organizations in the provision of those programs. Once grant applications are selected by the committee, should a prison determine that the specific programs cannot safely or adequately be provided in their particular prison, the Division of Adult Institutions, Department of Corrections and Rehabilitation shall provide detailed information, in writing, to the steering committee on the specific reasons for being unable to offer the program.

(d) To the extent amendments are made to a contract, after the contract is awarded, that result in a significant change in the level of service provided by a grantee, the department shall submit the contract amendment to the steering committee for approval prior to executing the amendment.

(e) Each member of the steering committee shall receive one hundred dollars (\$100) for each day in which that committee member is engaged in the performance of official duties. The performance of official duties includes all meetings, reviewing draft application and scoring documents, reading and evaluating grant applications, and any prison visits agreed to by the committee to review grantee programs. Total compensation shall not exceed five thousand dollars (\$5,000) per committee member, per year. A government employee who is participating in the committee as part of their job and is continuing to receive their regular salary is not eligible for compensation. In addition to the compensation, all members of the committee shall be reimbursed for necessary traveling and other expenses incurred in the performance of official duties. Any costs pursuant to this subdivision will be paid from CARE grant funding appropriated in the annual Budget Act.

SEC. 8. Section 5068.5 of the Penal Code is amended to read:

5068.5. (a) Notwithstanding any other law, except as provided in subdivisions (b) and (c), any person employed or under contract to provide diagnostic, treatment, or other mental health services

1 in the state or to supervise or provide consultation on these services
2 in the state correctional system shall be a physician and surgeon,
3 a psychologist, or other health *or mental health* professional,
4 licensed to practice in this state.

5 (b) Notwithstanding ~~Section 5068 or Section 704 of the Welfare~~
6 ~~and Institutions Code, 5068~~, the following persons are exempt
7 from the requirements of subdivision (a), so long as they continue
8 in employment in the same class and in the same department:

9 (1) Persons employed on January 1, 1985, as psychologists to
10 provide diagnostic or treatment services, including those persons
11 on authorized leave, but not including intermittent personnel.

12 (2) Persons employed on January 1, 1989, to supervise or
13 provide consultation on the diagnostic or treatment services,
14 including persons on authorized leave, but not including
15 intermittent personnel.

16 (c) (1) (A) The requirements of subdivision (a) may be waived
17 by the secretary solely for persons in the professions of ~~psychology~~
18 ~~or psychology~~, clinical social ~~work~~ *work, marriage and family*
19 *therapy, or professional clinical counseling* who are gaining
20 qualifying experience for licensure in those professions in this
21 state. Providers working in a licensed health care facility operated
22 by the department shall ~~receive~~ *also obtain* a waiver in accordance
23 with Section 1277 of the Health and Safety Code.

24 (B) For the purposes of this paragraph, “qualifying experience”
25 means experience that satisfies the requirements of ~~subdivision~~
26 ~~(d) of Section 2914 of, or Section 4996.23 of, Chapter 6.6~~
27 ~~(commencing with Section 2900), Chapter 13 (commencing with~~
28 ~~Section 4980), Chapter 14 (commencing with Section 4991), or~~
29 ~~Chapter 16 (commencing with Section 4999.10) of Division 2 of~~
30 ~~the Business and Professions Code.~~

31 (2) A waiver granted pursuant to this subdivision shall not
32 exceed four years from commencement of the employment in this
33 state in a position that includes qualifying experience, at which
34 time licensure shall have been obtained or the employment shall
35 be terminated, except that an extension of a waiver of licensure
36 may be granted for one additional year, based on extenuating
37 circumstances determined by the department pursuant to
38 subdivision (d). For persons employed as ~~psychologists or~~
39 ~~psychologists~~, clinical social ~~workers~~ *workers, marriage and family*
40 *therapists, or professional clinical counselors* less than full time,

1 an extension of a waiver of licensure may be granted for additional
2 years proportional to the extent of part-time employment, as long
3 as the person is employed without interruption in service, but in
4 no case shall the waiver of licensure exceed *five years in the case*
5 *of psychologists or six years in the case of clinical social workers*
6 ~~or five years in the case of psychologists, workers, marriage and~~
7 ~~family therapists, or professional clinical counselors.~~ However,
8 this durational limitation upon waivers shall not apply to active
9 candidates for a doctoral degree in social work, social welfare, or
10 social science who are enrolled at an accredited university, college,
11 or professional school, but these limitations shall apply following
12 completion of that training.

13 (3) A waiver pursuant to this subdivision shall be granted only
14 to the extent necessary to qualify for licensure, except that
15 personnel recruited for employment from outside this state and
16 whose experience is sufficient to gain admission to a licensure
17 examination shall nevertheless have one year from the date of their
18 employment in California to become licensed, at which time
19 licensure shall have been obtained or the employment shall be
20 terminated, provided that the employee shall take the licensure
21 examination at the earliest possible date after the date of the
22 employee's employment, and if the employee does not pass the
23 examination at that time, the employee shall have a second
24 opportunity to pass the next possible examination, subject to the
25 one-year limit.

26 (d) The department shall grant a request for an extension of a
27 waiver of licensure pursuant to subdivision (c) based on
28 extenuating circumstances if any of the following circumstances
29 exist:

30 (1) The person requesting the extension has experienced a recent
31 catastrophic event that may impair the person's ability to qualify
32 for and pass the licensure examination. Those events may include,
33 but are not limited to, significant hardship caused by a natural
34 disaster; serious and prolonged illness of the person; serious and
35 prolonged illness or death of a child, spouse, or parent; or other
36 stressful circumstances.

37 (2) The person requesting the extension has difficulty speaking
38 or writing the English language, or other cultural and ethnic factors
39 exist that substantially impair the person's ability to qualify for
40 and pass the license examination.

1 (3) The person requesting the extension has experienced other
2 personal hardship that the department, in its discretion, determines
3 to warrant the extension.

4 *SEC. 9. Section 6006 of the Penal Code is amended to read:*

5 6006. ~~The Department of Corrections, Department of the Youth~~
6 ~~Authority, Board of Prison Terms, and Youthful Offender Parole~~
7 ~~Board, in conjunction with the State Department of Health~~
8 ~~Services, shall meet and confer with recognized employee~~
9 ~~organizations representing employees pursuant to the Ralph C.~~
10 ~~Dills Act, Chapter 10.3 (commencing with Section 3512) of~~
11 ~~Division 4 of Title 1 of the Government Code, to~~ *Corrections and*
12 *Rehabilitation shall* develop rules regarding the mandatory
13 examination or testing for tuberculosis of the staff of the
14 ~~Department of Corrections, Department of the Youth Authority,~~
15 ~~Board of Prison Terms, and Youthful Offender Parole Board.~~
16 *department.* These rules shall include mandated annual examination
17 for tuberculosis of ~~all employees with inmate contact~~ *employees*
18 *whose primary job functions require them to work inside an*
19 *institution* and as a part of preemployment requirements. Except
20 as provided in Section 6007, the confidentiality of the test results
21 shall be maintained. However, statistical summaries ~~which that~~
22 do not identify specific individuals may be prepared.

23 *SEC. 10. Section 6006.5 of the Penal Code is repealed.*

24 ~~6006.5. For purposes of this chapter, the following definitions~~
25 ~~shall apply:~~

26 (a) ~~“Department” means the Department of Corrections, the~~
27 ~~Department of the Youth Authority, the Board of Prison Terms,~~
28 ~~or the Youthful Offender Parole Board.~~

29 (b) ~~“Examination or test” means methods, processes, or other~~
30 ~~means, including a chest X-ray, conducted in accordance with the~~
31 ~~recommendations of the Centers for Disease Control and~~
32 ~~Prevention and as specified in the department’s guidelines for~~
33 ~~tuberculosis control, to determine if a person has, has had, or has~~
34 ~~been exposed to tuberculosis.~~

35 (c) ~~“Medical evaluation” means taking a history or gathering~~
36 ~~other information and may include, but is not limited to, listening~~
37 ~~to the chest or other examinations or tests, as specified in the~~
38 ~~department’s guidelines for tuberculosis control, used to diagnose~~
39 ~~and assess the health conditions of the person.~~

1 (d) “Followup care” means the continued medical evaluations,
2 monitoring, or care of a person after his or her initial visit,
3 examination, or test, including, but not limited to, preventive
4 therapy.

5 (e) “Certificate” means the official document developed and
6 issued by the department that indicates the absence of tuberculosis
7 in an infectious stage and that is signed by a physician and surgeon
8 who is licensed by the Medical Board of California or the
9 Osteopathic Medical Board of California under Division 2
10 (commencing with Section 500) of the Business and Professions
11 Code or his or her designee. The certificate shall indicate that the
12 examination, test, or evaluation was performed in accordance with
13 the recommendations of the Centers for Disease Control and
14 Prevention and as specified in the department’s guidelines for
15 tuberculosis control.

16 (f) “Negative skin test” shall have the same meaning as it is
17 defined by the Centers for Disease Control and Prevention and the
18 department’s guidelines for tuberculosis control as the definition
19 reads at the time of the examination.

20 (g) “Positive skin test” shall have the same meaning as it is
21 defined by the Centers for Disease Control and Prevention and the
22 department’s guidelines for tuberculosis control as the definition
23 reads at the time of the examination.

24 (h) “Institution” means any state prison, camp, center, office,
25 or other facility under the jurisdiction of the Department of
26 Corrections or the Department of the Youth Authority.

27 (i) “Infectious or contagious stage” means the period when a
28 disease is capable of being transmitted from one person to another
29 with or without contact.

30 (j) “Tuberculosis converter” shall have the same meaning as it
31 is defined by the Centers for Disease Control and Prevention.

32 *SEC. 11. Section 6006.5 is added to the Penal Code, to read:*
33 *6006.5. For purposes of this chapter, the following definitions*
34 *shall apply:*

35 (a) “Annual TB screening” means a yearly risk assessment to
36 determine the presence of tuberculosis (TB) symptoms in an
37 individual.

38 (b) “Baseline TB screening and testing” means a process that
39 includes an individual TB risk assessment and an initial TB test,

1 as defined by the federal Centers for Disease Control and
2 Prevention (CDC).

3 (c) “Certificate” means a document signed by a licensed health
4 care professional or their designee. The certificate shall indicate
5 that the baseline TB screening and testing, annual TB screening,
6 or medical evaluation was performed in accordance with the
7 recommendations of the federal CDC.

8 (d) “Department” means the Department of Corrections and
9 Rehabilitation.

10 (e) “Follow up care” means continued medical evaluations or
11 treatment of a person after their initial baseline TB screening and
12 testing or annual TB screening.

13 (f) “Institution” means any state prison, camp, or other facility
14 where incarcerated persons are housed under the jurisdiction of
15 the Department of Corrections and Rehabilitation.

16 (g) “Medical evaluation” means a gathering of patient
17 information by a licensed health care professional, which may
18 include, but is not limited to, a comprehensive history, physical
19 examination, or tests in accordance with the recommendations of
20 the federal CDC used to diagnose, assess, and treat TB.

21 SEC. 12. Section 6007 of the Penal Code is repealed.

22 ~~6007. (a) No person shall be employed initially by the~~
23 ~~department unless that person, after an offer of employment,~~
24 ~~completes an examination, a test, or a medical evaluation and is~~
25 ~~found to be free of tuberculosis in an infectious or contagious stage~~
26 ~~prior to assuming work duties.~~

27 ~~(b) As a condition of continued employment with the~~
28 ~~department, those employees who are skin-test negative shall~~
29 ~~receive an examination or test at least once a year, or more often~~
30 ~~if directed by the department, for as long as the employee remains~~
31 ~~skin-test negative. If an employee has a documented positive skin~~
32 ~~test, the employee shall have a medical evaluation to determine~~
33 ~~the need for followup care. An employee with a positive skin test~~
34 ~~shall follow the department’s guidelines for tuberculosis control.~~

35 ~~(c) The department shall ensure that all examinations or tests~~
36 ~~and medical evaluations, as defined in subdivisions (b) and (c) of~~
37 ~~Section 6006.5, to diagnose and assess the health conditions of the~~
38 ~~person, meet the following conditions:~~

39 ~~(1) Are made available to the employee promptly at a reasonable~~
40 ~~time and place.~~

1 ~~(2) Are made available at no cost to the employee.~~

2 ~~(3) Are performed by, or under the supervision of, a licensed~~
3 ~~health care professional.~~

4 ~~(d) The examinations or tests or medical evaluations required~~
5 ~~pursuant to this chapter shall be offered by the department. The~~
6 ~~department may contract with a medical provider to administer~~
7 ~~the examinations or tests or medical evaluations. Employees who~~
8 ~~elect not to accept the department's offer shall obtain the~~
9 ~~examinations or tests or medical evaluations through their personal~~
10 ~~health care providers at no cost to the department.~~

11 ~~The requirements of this section apply to the Department of~~
12 ~~Corrections and Rehabilitation and the Board of Parole Hearings.~~
13 ~~Notwithstanding any other provision of law, each department or~~
14 ~~board shall be responsible for the costs of the testing or evaluation~~
15 ~~required by this section for its own employees or potential~~
16 ~~employees.~~

17 ~~(e) Followup care for tuberculosis infection or treatment for~~
18 ~~tuberculosis disease shall be pursued through the workers'~~
19 ~~compensation system as provided in Division 4 (commencing with~~
20 ~~Section 3200) and Division 5 (commencing with Section 6300) of~~
21 ~~the Labor Code for job-related incidents or through the employee's~~
22 ~~health insurance plan for non-job-related incidents. The department~~
23 ~~shall file a first report of injury for an employee whose examination~~
24 ~~or test for tuberculosis is positive. In addition, the department shall~~
25 ~~follow the guidelines, policies, and procedures of the workers'~~
26 ~~compensation early intervention program pursuant to Section 3214~~
27 ~~of the Labor Code.~~

28 ~~(f) Each employee, including employees who are employed~~
29 ~~initially, shall submit a signed certificate to the department annually~~
30 ~~that may be reviewed by the chief medical officer of the~~
31 ~~department.~~

32 ~~(g) The department shall maintain a file containing an up-to-date~~
33 ~~certificate for each employee.~~

34 ~~(h) Nothing in this section shall prevent the department from~~
35 ~~requiring and providing more extensive or more frequent~~
36 ~~examinations or tests.~~

37 ~~(i) The department shall not discriminate against any employee~~
38 ~~because the employee tested positive for tuberculosis.~~

39 ~~(j) All volunteers of the department shall be required to furnish~~
40 ~~the department with a certificate prior to assuming their volunteer~~

1 duties and annually thereafter, showing that the volunteer has been
2 examined and found to be free of tuberculosis in an infectious or
3 contagious stage.

4 (k) ~~The department shall maintain a file containing an up-to-date~~
5 ~~certificate for each volunteer.~~

6 ~~(l) Employees from other state agencies, including, but not~~
7 ~~limited to, the State Department of State Hospitals and the~~
8 ~~Department of Forestry and Fire Protection, who are assigned to~~
9 ~~work in an institution, as defined in subdivision (h) of Section~~
10 ~~6006.5, or who are assigned to work with inmates or wards on a~~
11 ~~regular basis, as defined in the department's guidelines, shall~~
12 ~~comply with the following requirements:~~

13 ~~(1) Receive an examination or test prior to assuming their duties~~
14 ~~and at least once a year thereafter, or more often if directed by the~~
15 ~~department, for as long as the employee remains skin-test negative.~~

16 ~~(2) Receive a medical evaluation to determine the need for~~
17 ~~followup care and follow the department's guidelines for~~
18 ~~tuberculosis control if an employee has a documented positive~~
19 ~~skin test.~~

20 ~~(3) Submit a signed certificate to the department prior to~~
21 ~~assuming his or her duties and annually thereafter, showing that~~
22 ~~the employee has been found to be free of tuberculosis in an~~
23 ~~infectious or contagious state.~~

24 ~~(4) Pursue followup care for tuberculosis infection or treatment~~
25 ~~for tuberculosis disease through the appropriate programs in their~~
26 ~~agency or department.~~

27 ~~(m) The department shall offer the examinations, tests, or~~
28 ~~medical evaluations required pursuant to this chapter to employees~~
29 ~~of other state agencies or departments and may contract with a~~
30 ~~medical provider to administer the examinations, tests, or medical~~
31 ~~evaluations. Employees of other state agencies or departments who~~
32 ~~elect not to accept the department's offer shall obtain the~~
33 ~~examinations, tests, or medical evaluations from their personal~~
34 ~~health care provider at no cost to the department.~~

35 ~~(n) The department shall maintain a file containing an up-to-date~~
36 ~~certificate for each employee from other state agencies who works~~
37 ~~in an institution.~~

38 *SEC. 13. Section 6007 is added to the Penal Code, to read:*

39 *6007. (a) A person who is employed by the department and*
40 *whose primary job functions require them to work inside an*

1 institution shall complete baseline TB screening and testing and
2 shall provide a certificate to the department within seven days of
3 appointment to their position showing they are free of active
4 tuberculosis. The employee shall not be allowed to perform any
5 job duties within a licensed area within the institution until the
6 certificate has been submitted and accepted by the department.

7 (b) (1) An employee whose primary job functions require them
8 to work inside an institution shall receive annual TB screening
9 and ensure that certificates are submitted and accepted by the
10 department showing they are free of active tuberculosis. If an
11 employee is suspected of having active tuberculosis during an
12 annual TB screening, the employee shall have a medical evaluation
13 to determine the need for follow up care in accordance with the
14 recommendations of the federal CDC.

15 (2) The department may require more frequent TB screening
16 or testing, including skin or blood tests, if there is a known
17 exposure or ongoing transmission within an institution.

18 (c) The department shall ensure that all annual TB screenings
19 are:

20 (1) Offered to the employee promptly at a reasonable time and
21 place.

22 (2) Offered at no cost to the employee.

23 (3) Performed by, or under the supervision of, a licensed health
24 care professional.

25 (d) The department may contract with a licensed health care
26 professional to administer the baseline TB screening and testing,
27 annual TB screening, or medical evaluations. An employee who
28 declines the department's offer of these services shall obtain the
29 services through their personal licensed health care providers at
30 no cost to the department.

31 (e) Follow up care for tuberculosis shall be pursued through
32 the workers' compensation system as provided in Division 4
33 (commencing with Section 3200) and Division 5 (commencing
34 with Section 6300) of the Labor Code for job-related incidents or
35 through the employee's health insurance plan for non-job-related
36 incidents. The department shall file a report for an employee whose
37 test or medical evaluation for tuberculosis is positive. In addition,
38 the department shall follow the guidelines, policies, and procedures
39 of the workers' compensation early intervention program pursuant
40 to Section 3214 of the Labor Code.

1 (f) *The department shall maintain a file containing an up-to-date*
2 *certificate for each employee.*

3 *SEC. 14. Section 6008 of the Penal Code is repealed.*

4 ~~6008. The Department of Corrections, the Department of the~~
5 ~~Youth Authority, the Board of Prison Terms, and the Youthful~~
6 ~~Offender Parole Board shall report to the State Department of~~
7 ~~Health Services the results of the tuberculosis examinations~~
8 ~~required by Section 6006.~~

9 *SEC. 15. Section 6027 of the Penal Code is amended to read:*

10 6027. (a) It shall be the duty of the Board of State and
11 Community Corrections to collect and maintain available
12 information and data about state and community correctional
13 policies, practices, capacities, and needs, including, but not limited
14 to, prevention, intervention, suppression, supervision, and
15 incapacitation, as they relate to both adult corrections, juvenile
16 justice, and gang problems. The board shall seek to collect and
17 make publicly available up-to-date data and information reflecting
18 the impact of state and community correctional, juvenile justice,
19 and gang-related policies and practices enacted in the state, as well
20 as information and data concerning promising and evidence-based
21 practices from other jurisdictions.

22 (b) Consistent with subdivision (c) of Section 6024, the board
23 shall also:

24 (1) Develop recommendations for the improvement of criminal
25 justice and delinquency and gang prevention activity throughout
26 the state.

27 (2) Identify, promote, and provide technical assistance relating
28 to evidence-based programs, practices, and promising and
29 innovative projects consistent with the mission of the board.

30 (3) Develop definitions of key terms, including, but not limited
31 to, “recidivism,” “average daily population,” “treatment program
32 completion rates,” and any other terms deemed relevant in order
33 to facilitate consistency in local data collection, evaluation, and
34 implementation of evidence-based practices, promising
35 evidence-based practices, and evidence-based programs. In
36 developing these definitions, the board shall consult with the
37 following stakeholders and experts:

38 (A) A county supervisor or county administrative officer,
39 selected after conferring with the California State Association of
40 Counties.

1 (B) A county sheriff, selected after conferring with the California
2 State Sheriffs' Association.

3 (C) A chief probation officer, selected after conferring with the
4 Chief Probation Officers of California.

5 (D) A district attorney, selected after conferring with the
6 California District Attorneys Association.

7 (E) A public defender, selected after conferring with the
8 California Public Defenders Association.

9 (F) The Secretary of the Department of Corrections and
10 Rehabilitation.

11 (G) A representative from the Administrative Office of the
12 Courts.

13 (H) A representative from a nonpartisan, nonprofit policy
14 institute with experience and involvement in research and data
15 relating to California's criminal justice system.

16 (I) A representative from a nonprofit agency providing
17 comprehensive reentry services.

18 (4) Receive and disburse federal funds, and perform all
19 necessary and appropriate services in the performance of its duties
20 as established by federal acts.

21 (5) Develop comprehensive, unified, and orderly procedures to
22 ensure that applications for grants are processed fairly, efficiently,
23 and in a manner consistent with the mission of the board.

24 (6) Identify delinquency and gang intervention and prevention
25 grants that have the same or similar program purpose, are allocated
26 to the same entities, serve the same target populations, and have
27 the same desired outcomes for the purpose of consolidating grant
28 funds and programs and moving toward a unified single
29 delinquency intervention and prevention grant application process
30 in adherence with all applicable federal guidelines and mandates.

31 (7) Cooperate with and render technical assistance to the
32 Legislature, state agencies, units of general local government,
33 combinations of those units, or other public or private agencies,
34 organizations, or institutions in matters relating to criminal justice
35 and delinquency prevention.

36 (8) Develop incentives for units of local government to develop
37 comprehensive regional partnerships whereby adjacent jurisdictions
38 pool grant funds in order to deliver services, such as job training
39 and employment opportunities, to a broader target population,

1 including at-promise youth, and maximize the impact of state funds
2 at the local level.

3 (9) Conduct evaluation studies of the programs and activities
4 assisted by the federal acts.

5 (10) Identify and evaluate state, local, and federal gang and
6 youth violence suppression, intervention, and prevention programs
7 and strategies, along with funding for those efforts. The board shall
8 assess and make recommendations for the coordination of the
9 state's programs, strategies, and funding that address gang and
10 youth violence in a manner that maximizes the effectiveness and
11 coordination of those programs, strategies, and resources. By
12 January 1, 2014, the board shall develop funding allocation policies
13 to ensure that within three years no less than 70 percent of funding
14 for gang and youth violence suppression, intervention, and
15 prevention programs and strategies is used in programs that utilize
16 promising and proven evidence-based principles and practices.
17 The board shall communicate with local agencies and programs
18 in an effort to promote the best evidence-based principles and
19 practices for addressing gang and youth violence through
20 suppression, intervention, and prevention.

21 (11) The board shall collect from each county the plan submitted
22 pursuant to Section 1230.1 within two months of adoption by the
23 county boards of supervisors. ~~Commencing January 1, 2013, and~~
24 ~~annually thereafter, the board shall collect and analyze available~~
25 ~~data regarding the implementation of the local plans and other~~
26 ~~outcome-based measures, as defined by the board in consultation~~
27 ~~with the Administrative Office of the Courts, the Chief Probation~~
28 ~~Officers of California, and the California State Sheriffs'~~
29 ~~Association. By July 1, 2013, and annually thereafter, the board~~
30 ~~shall provide to the Governor and the Legislature a report on the~~
31 ~~implementation of the plans described above.~~

32 (12) Commencing on and after July 1, 2012, the board, in
33 consultation with the Administrative Office of the Courts, the
34 California State Association of Counties, the California State
35 Sheriffs' Association, and the Chief Probation Officers of
36 California, shall support the development and implementation of
37 first phase baseline and ongoing data collection instruments to
38 reflect the local impact of Chapter 15 of the Statutes of 2011,
39 specifically related to dispositions for felony offenders and
40 postrelease community supervision. The board shall make any

1 data collected pursuant to this paragraph available on the board's
2 internet website. It is the intent of the Legislature that the board
3 promote collaboration and the reduction of duplication of data
4 collection and reporting efforts where possible.

5 (c) The board may do either of the following:

6 (1) Collect, evaluate, publish, and disseminate statistics and
7 other information on the condition and progress of criminal justice
8 in the state.

9 (2) Perform other functions and duties as required by federal
10 acts, rules, regulations, or guidelines in acting as the administrative
11 office of the state planning agency for distribution of federal grants.

12 (d) Nothing in this chapter shall be construed to include, in the
13 provisions set forth in this section, funds already designated to the
14 Local Revenue Fund 2011 pursuant to Section 30025 of the
15 Government Code.

16 *SEC. 16. Section 6044 of the Penal Code is repealed.*

17 ~~6044. (a) The Council on Criminal Justice and Behavioral~~
18 ~~Health is hereby established within the Department of Corrections~~
19 ~~and Rehabilitation. The council shall be composed of 12 members,~~
20 ~~one of whom shall be the secretary of the department who shall~~
21 ~~be designated as the chairperson, one of whom shall be the Director~~
22 ~~of State Hospitals, one of whom shall be the Director of Health~~
23 ~~Care Services, and nine of whom shall be appointed. The Governor~~
24 ~~shall appoint three members, at least one of whom shall represent~~
25 ~~behavioral health. The Senate Committee on Rules shall appoint~~
26 ~~two members, one representing law enforcement and one~~
27 ~~representing behavioral health. The Speaker of the Assembly shall~~
28 ~~appoint two members, one representing law enforcement and one~~
29 ~~representing behavioral health. The Attorney General shall appoint~~
30 ~~one member. The Chief Justice of the California Supreme Court~~
31 ~~shall appoint one member who shall be a superior court judge.~~
32 ~~When selecting appointments, experience with the criminal justice~~
33 ~~or behavioral health systems, or both, either personally, as a family~~
34 ~~member, or as a caregiver, is encouraged.~~

35 ~~(b) The council shall select a vice chairperson from among its~~
36 ~~members. Six members of the council shall constitute a quorum.~~

37 ~~(c) The Director of State Hospitals and the Director of Health~~
38 ~~Care Services shall serve as the liaison to the California Health~~
39 ~~and Human Services Agency and any departments within that~~
40 ~~agency necessary to further the purposes of this article.~~

1 ~~(d) Members of the council shall receive no compensation, but~~
2 ~~shall be reimbursed for actual and necessary travel expenses~~
3 ~~incurred in the performance of their duties. For purposes of~~
4 ~~compensation, attendance at meetings of the board shall be deemed~~
5 ~~performance by a member of the duties of his or her state or local~~
6 ~~government employment.~~

7 ~~(e) The goal of the council shall be to investigate and promote~~
8 ~~cost-effective approaches to meeting the long-term needs of adults~~
9 ~~and juveniles with behavioral health disorders who are likely to~~
10 ~~become offenders or who have a history of offending. The council~~
11 ~~shall:~~

12 ~~(1) Identify strategies for preventing adults and juveniles with~~
13 ~~behavioral health needs from becoming offenders.~~

14 ~~(2) Identify strategies for improving the cost-effectiveness of~~
15 ~~services for adults and juveniles with behavioral health needs who~~
16 ~~have a history of offending.~~

17 ~~(3) Identify incentives to encourage state and local criminal~~
18 ~~justice, juvenile justice, and behavioral health programs to adopt~~
19 ~~cost-effective approaches for serving adults and juveniles with~~
20 ~~behavioral health needs who are likely to offend or who have a~~
21 ~~history of offending.~~

22 ~~(f) The council shall consider strategies that:~~

23 ~~(1) Improve service coordination among state and local~~
24 ~~behavioral health, criminal justice, and juvenile justice programs.~~

25 ~~(2) Improve the ability of adult and juvenile offenders with~~
26 ~~behavioral health needs to transition successfully between~~
27 ~~corrections-based, juvenile justice-based, and community-based~~
28 ~~treatment programs.~~

29 ~~(g) The Secretary of the Department of Corrections and~~
30 ~~Rehabilitation, the Director of State Hospitals, and the Director of~~
31 ~~Health Care Services may furnish for the use of the council those~~
32 ~~facilities, supplies, and personnel as may be available therefor.~~
33 ~~The council may secure the assistance of any state agency,~~
34 ~~department, or instrumentality in the course of its work.~~

35 ~~(h) (1) The Council on Criminal Justice and Behavioral Health~~
36 ~~shall file with the Legislature, not later than December 31 of each~~
37 ~~year, a report that shall provide details of the council's activities~~
38 ~~during the preceding year. The report shall include~~
39 ~~recommendations for improving the cost-effectiveness of~~
40 ~~behavioral health and criminal justice programs.~~

1 ~~(2) After the first year of operation, the council may recommend~~
2 ~~to the Legislature and Governor modifications to its jurisdiction;~~
3 ~~composition, and membership that will further the purposes of this~~
4 ~~article.~~

5 ~~(i) The Council on Criminal Justice and Behavioral Health is~~
6 ~~authorized to apply for any funds that may be available from the~~
7 ~~federal government or other sources to further the purposes of this~~
8 ~~article.~~

9 ~~(j) (1) For purposes of this article, the council shall address the~~
10 ~~needs of adults and juveniles who meet the following criteria:~~
11 ~~persons who have been arrested, detained, incarcerated, or are at~~
12 ~~a significant risk of being arrested, detained, or incarcerated, and~~
13 ~~who have a mental disorder as defined in Section 1830.205 of Title~~
14 ~~9 of the California Code of Regulations or who receive substance~~
15 ~~use disorder services as defined in Section 51341.1 of Title 22 of~~
16 ~~the California Code of Regulations that have been determined to~~
17 ~~be medically necessary pursuant to Section 51303 of Title 22 of~~
18 ~~the California Code of Regulations, or both.~~

19 ~~(2) The council may expand its purview to allow it to identify~~
20 ~~strategies that are preventive in nature and could be directed to~~
21 ~~identifiable categories of adults and juveniles that fall outside of~~
22 ~~the above definitions.~~

23 ~~SEC. 17. Section 6126 of the Penal Code is amended to read:~~

24 ~~6126. (a) The Inspector General shall be responsible for~~
25 ~~contemporaneous oversight of internal affairs investigations and~~
26 ~~the disciplinary process of the Department of Corrections and~~
27 ~~Rehabilitation, pursuant to Section 6133 under policies to be~~
28 ~~developed by the Inspector General.~~

29 ~~(b) When requested by the Governor, the Senate Committee on~~
30 ~~Rules, or the Speaker of the Assembly, the Inspector General shall~~
31 ~~initiate an audit or review of policies, practices, and procedures~~
32 ~~of the department. The Inspector General may, under policies~~
33 ~~developed by the Inspector General, initiate an audit or review on~~
34 ~~the Inspector General's own accord. Following a completed audit~~
35 ~~or review, the Inspector General may perform a followup follow-up~~
36 ~~audit or review to determine what measures the department~~
37 ~~implemented to address the Inspector General's findings and to~~
38 ~~assess the effectiveness of those measures.~~

39 ~~(c) (1) Upon completion of an audit or review pursuant to~~
40 ~~subdivision (b), the Inspector General shall prepare a complete~~

1 written report, which may be held as confidential and disclosed in
2 confidence, along with all underlying materials the Inspector
3 General deems appropriate, to the Department of Corrections and
4 Rehabilitation and to the requesting entity in subdivision (b), where
5 applicable.

6 (2) The Inspector General shall also prepare a public report.
7 When necessary, the public report shall differ from the complete
8 written report in the respect that the Inspector General shall have
9 the discretion to redact or otherwise protect the names of
10 individuals, specific locations, or other facts that, if not redacted,
11 might hinder prosecution related to the review, compromise the
12 safety and security of staff, inmates, or members of the public, or
13 where disclosure of the information is otherwise prohibited by
14 law, and to decline to produce any of the underlying materials.
15 Copies of public reports shall be posted on the Office of the
16 Inspector General's internet website.

17 (d) The Inspector General shall, during the course of an audit
18 or review, identify areas of full and partial compliance, or
19 noncompliance, with departmental policies and procedures, specify
20 deficiencies in the completion and documentation of processes,
21 and recommend corrective actions, including, but not limited to,
22 additional training, additional policies, or changes in policy, as
23 well as any other findings or recommendations that the Inspector
24 General deems appropriate.

25 (e) The Inspector General, pursuant to Section 6126.6, shall
26 review the Governor's candidates for appointment to serve as
27 warden for the state's adult correctional institutions and as
28 superintendents for the state's juvenile facilities.

29 (f) The Inspector General shall conduct an objective, clinically
30 appropriate, and metric-oriented medical inspection program to
31 periodically review delivery of medical care at each state prison.

32 ~~(g) The Inspector General shall conduct an objective,~~
33 ~~metric-oriented oversight and inspection program to periodically~~
34 ~~review delivery of the reforms identified in the document released~~
35 ~~by the Department of Corrections and Rehabilitation in April 2012,~~
36 ~~entitled The Future of California Corrections: A Blueprint to Save~~
37 ~~Billions of Dollars, End Federal Court Oversight, and Improve the~~
38 ~~Prison System (the blueprint), including, but not limited to, the~~
39 ~~following specific goals and reforms described by the blueprint:~~

1 ~~(1) Whether the department has increased the percentage of~~
2 ~~inmates served in rehabilitative programs to 70 percent of the~~
3 ~~department's target population prior to their release.~~

4 ~~(2) The establishment of an adherence to the standardized~~
5 ~~staffing model at each institution.~~

6 ~~(3) The establishment of an adherence to the new inmate~~
7 ~~classification score system.~~

8 ~~(4) The establishment of and adherence to the new prison gang~~
9 ~~management system, including changes to the department's current~~
10 ~~policies for identifying prison-based gang members and associates~~
11 ~~and the use and conditions associated with the department's~~
12 ~~security housing units.~~

13 ~~(5) The implementation of and adherence to the Comprehensive~~
14 ~~Housing Plan described in the blueprint.~~

15 ~~(h)~~

16 (g) The Inspector General shall, in consultation with the
17 Department of Finance, develop a methodology for producing a
18 workload budget to be used for annually adjusting the budget of
19 the Office of the Inspector General, beginning with the budget for
20 the 2005–06 fiscal year.

21 ~~(i)~~

22 (h) The Inspector General shall provide contemporaneous
23 oversight of grievances that fall within the department's process
24 for reviewing and investigating inmate allegations of staff
25 misconduct and other specialty grievances, examining compliance
26 with regulations, department policy, and best practices. This
27 contemporaneous oversight shall be completed within the Inspector
28 General's budget excluding resources that, beginning in the Budget
29 Act of 2019, were provided to restore the Inspector General's
30 ability to initiate an audit or review pursuant to subdivision (a).
31 The contemporaneous oversight shall be completed in a way that
32 does not unnecessarily slow the department's review and
33 investigation of inmate allegations of staff misconduct and other
34 specialty grievances. The Inspector General shall issue reports
35 annually, beginning in 2021.

36 ~~(j)~~

37 (i) The Inspector General shall monitor the department's process
38 for reviewing uses of force and shall issue reports annually.

39 *SEC. 18. Section 6126.3 of the Penal Code is amended to read:*

1 6126.3. (a) The Inspector General shall not destroy any papers
2 or memoranda used to support a completed review within three
3 years after a report is released.

4 (b) Except as provided in subdivision (c), all books, papers,
5 records, and correspondence of the office pertaining to its work
6 are public records subject to Division 10 (commencing with Section
7 7920.000) of Title 1 of the Government Code and shall be filed at
8 any of the regularly maintained offices of the Inspector General.

9 (c) The following books, papers, records, and correspondence
10 of the Office of the Inspector General pertaining to its work are
11 not public records subject to Division 10 (commencing with
12 Section 7920.000) of Title 1 of the Government Code, nor shall
13 they be subject to discovery pursuant to any provision of Title 3
14 (commencing with Section 1985) of Part 4 of the Code of Civil
15 Procedure or Chapter 7 (commencing with Section 19570) of Part
16 2 of Division 5 of Title 2 of the Government Code in any manner:

17 (1) All reports, papers, correspondence, memoranda, electronic
18 communications, or other documents that are otherwise exempt
19 from disclosure pursuant to the provisions of subdivision (d) of
20 Section 6126.5, Section 6126.6, subdivision (c) of Section 6128,
21 subdivision (c) of Section 6126, or all other applicable laws
22 regarding confidentiality, including, but not limited to, the
23 California Public Records Act, the Public Safety Officers'
24 Procedural Bill of Rights, the Information Practices Act of 1977,
25 the Confidentiality of Medical Information Act of 1977, and the
26 provisions of Section 832.7, relating to the disposition notification
27 for complaints against peace officers.

28 (2) Any papers, correspondence, memoranda, electronic
29 communications, or other documents pertaining to any audit or
30 review that has not been completed.

31 (3) Any papers, correspondence, memoranda, electronic
32 communications, or other documents pertaining to internal
33 discussions between the Inspector General and the Inspector
34 General's staff, or between staff members of the Inspector General,
35 or any personal notes of the Inspector General or the Inspector
36 General's staff.

37 (4) All identifying information, and any personal papers or
38 correspondence from any person requesting assistance from the
39 Inspector General, except in those cases where the Inspector

1 General determines that disclosure of the information is necessary
2 in the interests of justice.

3 (5) Any papers, correspondence, memoranda, electronic
4 communications, or other documents pertaining to
5 contemporaneous public oversight pursuant to Section 6133 or
6 subdivision ~~(i) or (j)~~ *(h) or (i)* of Section 6126.

7 *SEC. 19. Section 6140 of the Penal Code is repealed.*

8 ~~6140. There is in the Office of the Inspector General the~~
9 ~~California Rehabilitation Oversight Board (C-ROB). The board~~
10 ~~shall consist of the 11 members as follows:~~

11 ~~(a) The Inspector General, who shall serve as chair.~~

12 ~~(b) The Secretary of the Department of Corrections and~~
13 ~~Rehabilitation.~~

14 ~~(c) The Superintendent of Public Instruction, or his or her~~
15 ~~designee.~~

16 ~~(d) The Chancellor of the California Community Colleges, or~~
17 ~~his or her designee.~~

18 ~~(e) The Director of Health Care Services, or his or her designee.~~

19 ~~(f) The Director of State Hospitals, or his or her designee.~~

20 ~~(g) A faculty member of the University of California who has~~
21 ~~expertise in rehabilitation of criminal offenders, appointed by the~~
22 ~~President of the University of California.~~

23 ~~(h) A faculty member of the California State University, who~~
24 ~~has expertise in rehabilitation of criminal offenders, appointed by~~
25 ~~the Chancellor of the California State University.~~

26 ~~(i) A county sheriff, appointed by the Governor.~~

27 ~~(j) A county chief probation officer, appointed by the Senate~~
28 ~~Committee on Rules.~~

29 ~~(k) A local government official who provides mental health,~~
30 ~~substance abuse, or educational services to criminal offenders,~~
31 ~~appointed by the Speaker of the Assembly.~~

32 *SEC. 20. Section 6141 of the Penal Code is repealed.*

33 ~~6141. The California Rehabilitation Oversight Board shall meet~~
34 ~~at least twice annually, and shall regularly examine the various~~
35 ~~mental health, substance abuse, educational, and employment~~
36 ~~programs for incarcerated persons and parolees operated by the~~
37 ~~Department of Corrections and Rehabilitation. The board shall~~
38 ~~examine the department's effort to assist incarcerated persons and~~
39 ~~parolees to obtain postrelease health care coverage. The board~~
40 ~~shall also examine efforts to address the housing needs of~~

1 incarcerated persons, including those who are identified as having
 2 serious mental health needs, who are released to the community
 3 as parolees. The board shall report to the Governor and the
 4 Legislature annually, on October 15, and may submit other reports
 5 during the year if it finds they are necessary. The reports shall
 6 include, but are not limited to, findings on the effectiveness of
 7 treatment efforts, rehabilitation needs of incarcerated persons, gaps
 8 in rehabilitation services in the department, levels of incarcerated
 9 person participation and success in the programs, data indicating
 10 the number of parolees who are experiencing homelessness, and
 11 the number of those parolees experiencing homelessness who have
 12 previously been identified as having serious mental health needs.
 13 The board shall also make recommendations to the Governor and
 14 the Legislature with respect to modifications, additions, and
 15 eliminations of rehabilitation and treatment programs. In
 16 performing its duties, the board shall use the work products
 17 developed for the department as a result of the provisions of the
 18 2006 Budget Act, including Provision 18 of Item 5225-001-0001.

19 *SEC. 21. Article 2.45 (commencing with Section 11073) is*
 20 *added to Chapter 1 of Title 1 of Part 4 of the Penal Code, to read:*

21
 22 *Article 2.45. Tribal Police Pilot Program*
 23

24 *11073. (a) The Tribal Police Pilot Program is hereby*
 25 *established to operate from July 1, 2026, until July 1, 2029, under*
 26 *the direction of the Department of Justice and the Commission on*
 27 *Peace Officer Standards and Training.*

28 *(b) Notwithstanding any contrary provision of law, any qualified*
 29 *entity may notify the department that they wish to enroll in the*
 30 *pilot program and, upon verification by the department, in*
 31 *coordination with the commission, that the entity has complied*
 32 *with the requirements prescribed in subdivision (d), any qualified*
 33 *member of that entity shall be deemed a peace officer as provided*
 34 *in Section 830.83.*

35 *(c) (1) A person shall not be a qualified member unless the*
 36 *person completes and maintains all applicable requirements for*
 37 *the appointment, training, education, hiring, eligibility, and*
 38 *certification required for peace officers under state law, including,*
 39 *without limitation, those described in Sections 832 and 832.55*
 40 *and any regulations adopted thereunder.*

1 (2) A qualified member is subject to the requirements of Sections
2 13500 to 13519.15, inclusive, of this code, Sections 1029, 1030,
3 1031, and 1031.4 of the Government Code, and any regulations
4 adopted thereto.

5 (3) A qualified entity designating a person as a peace officer
6 pursuant to this program shall document that person's compliance
7 with this subdivision and Section 832.55 and submit that
8 documentation to the Commission on Peace Officer Standards and
9 Training.

10 (d) A qualified entity enrolled in this pilot program shall do all
11 of the following:

12 (1) Enact and maintain in continuous force a tribal law or
13 resolution expressing their intent that tribal officers participating
14 in this pilot program be California peace officers, and that the
15 qualified entity be similarly situated to a California local law
16 enforcement agency employing California peace officers, and
17 adopting any requirements prescribed by this section and Sections
18 830.83 and 832.55.

19 (2) Adopt and maintain in continuous force for a period of no
20 less than three years after the conclusion of the pilot program,
21 tribal law that provides public access to records, and related
22 procedures and remedies substantively identical to the California
23 Public Records Act (Division 10 (commencing with Section
24 7920.000) of Title 1 of the Government Code) as to any record
25 related to this pilot program. Such records include, without
26 limitation, any record related to conduct specified in Section 832.7
27 by a person designated as a peace officer pursuant to this program,
28 including any administrative record of the tribe specifically related
29 to such conduct.

30 (3) Adopt and maintain in continuous force tribal law that
31 provides procedures and remedies substantively identical to the
32 Government Claims Act (Division 3.6 (commencing with Section
33 810) of Title 1 of the Government Code) for any claim arising from
34 any actions or omissions of a tribal police officer acting as a
35 California peace officer pursuant to this program.

36 (4) Adopt and maintain in continuous force for no less than
37 three years after the conclusion of the pilot program, tribal law
38 that contains all of the following:

39 (A) A clear and unequivocal limited waiver of tribal sovereign
40 immunity against any suit, liability, and judgment, including the

1 *full enforcement of judgments and collections for a peace officer*
2 *designated pursuant to this program, in connection with any act*
3 *or omission arising out of the qualified entity's participation in*
4 *this pilot program, including, but not limited to, any act or omission*
5 *by a tribal law enforcement officer exercising, or purporting to*
6 *exercise, the authority granted by Section 830.83.*

7 *(B) An express agreement that the substantive and procedural*
8 *laws of the State of California or of the United States, as applicable*
9 *to California peace officers and their employers, shall govern any*
10 *claim, suit, or regulatory or administrative action, and that the*
11 *obligations, rights, and remedies shall be determined in accordance*
12 *with those laws, and by the courts of the State of California or of*
13 *the federal government, as applicable. This clause does not limit*
14 *the jurisdiction of the court of a tribe, but the qualified entity shall*
15 *clearly and unequivocally waive any right to require the exhaustion*
16 *of remedies in a tribal court in connection with this pilot program.*

17 *(C) An express acknowledgment of the Attorney General's*
18 *inherent authority over the peace officers and law enforcement*
19 *agencies of the state pursuant to Section 13 of Article V of the*
20 *California Constitution and a grant of authority over tribal law*
21 *enforcement agencies to the Attorney General for the duration of*
22 *the pilot program or later if there is an ongoing inspection, audit,*
23 *review, or investigation.*

24 *(D) An express agreement that the qualified entity and its*
25 *officers, employees, and other agents shall cooperate with any*
26 *inspections, audits, and investigations by the Department of Justice*
27 *or the Commission on Peace Officer Standards and Training in*
28 *connection with the qualified entity's participation in this pilot*
29 *program, including any sanction or discipline imposed by the*
30 *department or commission, up to and including removal of the*
31 *qualified entity from the pilot program described in this section.*
32 *This section shall not limit the Attorney General's authority*
33 *pursuant to Section 52.3 of the Civil Code and Article 2*
34 *(commencing with Section 11180) of Chapter 2 of Part 1 of*
35 *Division 3 of Title 2 of the Government Code to investigate a tribal*
36 *law enforcement agency participating in this pilot program or to*
37 *prosecute any action resulting from their participation.*

38 *(E) (i) A requirement for the qualified entity to carry sufficient*
39 *insurance coverage for the liability of the qualified entity and its*

1 *officers, employees, and other agents arising out of the qualified*
2 *entity's participation in this pilot program.*

3 *(ii) The department shall determine, in consultation with the*
4 *qualified entity, the amount of coverage that is sufficient for the*
5 *requirement in clause (i).*

6 *(5) Comply with all applicable provisions of Section 832.5 and*
7 *Chapter 1 (commencing with Section 13500) of Title 4, including*
8 *all applicable remedies.*

9 *(6) Submit all required documentation of compliance with this*
10 *subdivision to the Commission on Peace Officer Standards and*
11 *Training, in a manner and form prescribed by the commission.*

12 *(7) Submit any data, statistics, reports, or other information*
13 *requested by the Department of Justice for the monitoring and*
14 *evaluation of the pilot program to the department in a manner and*
15 *form prescribed by the department.*

16 *(8) Comply with all applicable provisions of Sections 13012,*
17 *13020 to 13023, inclusive, 13730, 13777, and 13519.4 of this code,*
18 *Sections 7284.6, 12525, 12525.2, and 12525.5 of the Government*
19 *Code, and any implementing regulations thereof, and all applicable*
20 *remedies.*

21 *(9) Comply with any investigation or review by the Attorney*
22 *General required under Section 12525.3 of the Government Code.*

23 *(10) Adopt and maintain in continuous force a policy prohibiting*
24 *law enforcement gangs as required by Section 13670.*

25 *(11) Adopt and maintain in continuous force an ordinance or*
26 *other enforceable policy that complies with the requirements of*
27 *Section 13650.*

28 *(e) A qualified entity enrolled in this pilot program may establish*
29 *a domestic violence death review team as described in, and subject*
30 *to the applicable provisions of, Sections 11163.3 to 11163.5,*
31 *inclusive.*

32 *(f) When a peace officer authorized under this program issues*
33 *a citation for a violation of state law, the citation shall require the*
34 *person cited to appear in the superior court of the county in which*
35 *the offense was committed, and shall be submitted to the district*
36 *attorney of that county.*

37 *(g) Any criminal charge resulting from a custodial arrest made*
38 *by, or citation issued by, a peace officer designated pursuant to*
39 *this program, while exercising the authority granted by Section*

1 830.83, shall be within the jurisdiction of the courts of the State
2 of California.

3 (h) Any official action taken by a peace officer designated
4 pursuant to this program, while exercising the authority granted
5 by Section 830.83, including, without limitation, any detention,
6 arrest, use of force, citation, release, search, or application for,
7 or service of, any warrant, shall be taken in accordance with all
8 laws applicable to a California peace officer employed by a local
9 law enforcement agency.

10 (i) The sovereign immunity of the state shall not extend to any
11 act or omission arising out of the qualified entity's participation
12 in this pilot program, including, without limitation, any act or
13 omission by a tribal law enforcement officer exercising, or
14 purporting to exercise, any authority as a California peace officer.
15 It is the intent of the Legislature that such tribal law enforcement
16 officers be similarly situated to California peace officers employed
17 by local law enforcement agencies.

18 (j) The peace officer authority granted to any person pursuant
19 to this program shall be automatically revoked on July 1, 2029.

20 (k) (1) The Attorney General, in coordination with the
21 Commission on Peace Officer Standards and Training, shall
22 provide ongoing monitoring, evaluation, and support for the pilot
23 program. This subdivision does not require the Attorney General
24 or the commission to provide legal representation, advice, or
25 counsel to any program participant.

26 (2) A qualified entity may terminate their participation in the
27 pilot program at will, however, the requirements of paragraphs
28 (2), (3), and (4) of subdivision (d) shall remain in effect.

29 (3) The Department of Justice, in coordination with the
30 Commission on Peace Officer Standards and Training, may
31 suspend or terminate a qualified entity's participation in the
32 program for gross misconduct or for willful or persistent failure
33 to comply with the requirements of this article.

34 (4) (A) (i) By no later than July 1, 2028, the department shall
35 prepare and submit an interim report to the Legislature, the
36 Assembly Select Committee on Native American Affairs, and the
37 Assembly and Senate Public Safety Committees.

38 (ii) By no later than January 1, 2030, the department shall
39 prepare and submit a final report to the Legislature, the Assembly

1 *Select Committee on Native American Affairs, and the Assembly*
2 *and Senate Public Safety Committees.*

3 *(B) The reports required by this section shall include, without*
4 *limitation, the impacts of the pilot program on case clearance*
5 *rates, including, without limitation, homicide and missing persons*
6 *cases, the impact of the pilot program on crime rates on Indian*
7 *lands and surrounding communities, the impact of the pilot*
8 *program on recruitment and retention of tribal police, a discussion*
9 *of feasibility and implementation difficulties, and recommendations*
10 *to the Legislature.*

11 *(C) The reports required by this paragraph shall be submitted*
12 *in compliance with Section 9795 of the Government Code.*

13 *(l) The Tribal Police Pilot Fund is hereby created in the State*
14 *Treasury. All moneys in the fund, upon appropriation by the*
15 *Legislature, shall be used to assist Tribal Police Pilot Program*
16 *participants with fiscal needs associated with the development of*
17 *information technology, such as the establishment of databases*
18 *and recordkeeping, necessary for the purposes of complying with*
19 *any state-mandated reporting required of California law*
20 *enforcement agencies and employers of peace officers.*

21 *(m) This section shall be construed to empower Indian tribes*
22 *and tribal law enforcement officers to exercise powers conferred*
23 *by the laws of the State of California in a manner consistent with*
24 *those laws. Such powers are in addition to a tribe's inherent*
25 *powers of self-government. This section shall not be construed to*
26 *infringe upon the sovereignty of any Indian tribe nor their inherent*
27 *authority to self-govern, including the authority to enact laws that*
28 *govern their lands.*

29 *(n) Participating tribes may enter into an agreement to share*
30 *liability and collaborate on Missing and Murdered Indigenous*
31 *Persons cases.*

32 *(o) As used in this section, the following terms are defined as*
33 *follows:*

34 *(1) "Department" means the Department of Justice or any*
35 *subdivision thereof to whom the Attorney General has delegated*
36 *responsibility for the provisions of this section.*

37 *(2) "Indian country" has the same meaning as provided in*
38 *Section 1151 of Title 18 of the United States Code.*

39 *(3) "Qualified entity" means any of the three federally*
40 *recognized tribes to be selected by the department, provided that*

1 *those tribes elect to participate. In selecting the tribes, the*
2 *department shall consider selecting tribes of different sizes from*
3 *different parts of the state, as well as a tribe's access to public*
4 *safety resources.*

5 (4) *"Qualified member" means a chief of police who is*
6 *appointed by, or a person who is regularly employed as a law*
7 *enforcement, police, or public safety officer or investigator by, a*
8 *qualified entity, and who meets all of the requirements and*
9 *qualifications in subdivision (c), and who has been designated by*
10 *the qualified entity to be a peace officer pursuant to this program.*

11 11073.5. *This article shall remain in effect only until January*
12 *1, 2032, and as of that date is repealed.*

13 11073.6. *This article shall become operative only upon an*
14 *appropriation of funds by the Legislature for the purposes of this*
15 *article.*

16 SEC. 22. *Section 209 of the Welfare and Institutions Code is*
17 *amended to read:*

18 209. (a) (1) *The judge of the juvenile court of a county, or, if*
19 *there is more than one judge, any of the judges of the juvenile*
20 *court shall, at least annually, inspect any jail, juvenile hall, lockup,*
21 *special purpose juvenile hall, camp, ranch, or secure youth*
22 *treatment facility situated in this state that, in the preceding*
23 *calendar year, was used for confinement, for more than 24 hours,*
24 *of any juvenile.*

25 (2) *The judge shall promptly notify the operator of the jail,*
26 *juvenile hall, lockup, special purpose juvenile hall, camp, ranch,*
27 *or secure youth treatment facility of any observed noncompliance*
28 *with minimum standards for juvenile facilities adopted by the*
29 *Board of State and Community Corrections under Sections 210,*
30 *875, 885, and subdivision (e) of Section 207.1. Based on the*
31 *facility's subsequent compliance with the provisions of*
32 *subdivisions (d) and (e), the judge shall thereafter make a finding*
33 *whether the facility is a suitable place for the confinement of*
34 *juveniles and shall note the finding in the minutes of the court.*

35 (3) (A) *The Board of State and Community Corrections shall*
36 *conduct conduct, at a minimum, a biennial inspection of each jail,*
37 *juvenile hall, lockup, special purpose juvenile hall, camp, ranch,*
38 *or secure youth treatment facility situated in this state that, during*
39 *the preceding calendar year, was used for confinement, for more*
40 *than 24 hours, of any juvenile. The board shall promptly notify*

1 the operator of any jail, juvenile hall, lockup, special purpose
2 juvenile hall, camp, ranch, or secure youth treatment facility of
3 any noncompliance found, upon inspection, with any of the
4 minimum standards for juvenile facilities adopted by the Board of
5 State and Community Corrections under Section 210, 210.2, 875,
6 885, or subdivision (e) of Section 207.1.

7 (B) Any duly authorized officer, employee, or agent of the board
8 may, upon presentation of proper identification, enter and inspect
9 any area of any juvenile local detention facility, without notice, to
10 conduct an inspection required *or authorized* by this paragraph.

11 (4) If either a judge of the juvenile court or the board, after
12 inspection of a jail, juvenile hall, special purpose juvenile hall,
13 lockup, camp, ranch, or secure youth treatment facility finds that
14 it is not being operated and maintained as a suitable place for the
15 confinement of juveniles, the juvenile court or the board shall give
16 notice of its finding to all persons having authority to confine
17 juveniles pursuant to this chapter and, commencing 60 days
18 thereafter, the facility shall not be used for confinement of juveniles
19 until the time the judge or board, as the case may be, finds, after
20 reinspection of the facility, that the conditions that rendered the
21 facility unsuitable have been remedied, and the facility is a suitable
22 place for confinement of juveniles.

23 (5) The custodian of each jail, juvenile hall, special purpose
24 juvenile hall, lockup, camp, ranch, or secure youth treatment
25 facility shall make any reports as may be requested by the board
26 or the juvenile court to effectuate the purposes of this section.

27 (b) (1) The Board of State and Community Corrections may
28 inspect any law enforcement facility that contains a lockup for
29 adults and that it has reason to believe may not be in compliance
30 with the requirements of subdivision (b) of Section 207.1 or with
31 the certification requirements or standards adopted under Section
32 210.2. A judge of the juvenile court shall conduct an annual
33 inspection, either in person or through a delegated member of the
34 appropriate county or regional juvenile justice commission, of any
35 law enforcement facility that contains a lockup for adults that, in
36 the preceding year, was used for the secure detention of any
37 juvenile. If the law enforcement facility is observed, upon
38 inspection, to be out of compliance with the requirements of
39 subdivision (b) of Section 207.1, or with any standard adopted
40 under Section 210.2, the board or the judge shall promptly notify

1 the operator of the law enforcement facility of the specific points
2 of noncompliance.

3 (2) If either the judge or the board finds after inspection that
4 the facility is not being operated and maintained in conformity
5 with the requirements of subdivision (b) of Section 207.1 or with
6 the certification requirements or standards adopted under Section
7 210.2, the juvenile court or the board shall give notice of its finding
8 to all persons having authority to securely detain juveniles in the
9 facility, and, commencing 60 days thereafter, the facility shall not
10 be used for the secure detention of a juvenile until the time the
11 judge or the board, as the case may be, finds, after reinspection,
12 that the conditions that rendered the facility unsuitable have been
13 remedied, and the facility is a suitable place for the confinement
14 of juveniles in conformity with all requirements of law.

15 (3) The custodian of each law enforcement facility that contains
16 a lockup for adults shall make any report as may be requested by
17 the board or by the juvenile court to effectuate the purposes of this
18 subdivision.

19 (c) The board shall collect biennial data on the number, place,
20 and duration of confinements of juveniles in jails and lockups, as
21 defined in subdivision (g) of Section 207.1, and shall publish
22 biennially this information in the form as it deems appropriate for
23 the purpose of providing public information on continuing
24 compliance with the requirements of Section 207.1.

25 (d) (1) Except as provided in subdivision (e), a juvenile hall,
26 special purpose juvenile hall, camp, ranch, secure youth treatment
27 facility, law enforcement facility, or jail shall be unsuitable for the
28 confinement of juveniles if it is not in compliance with one or
29 more of the minimum standards for juvenile facilities adopted by
30 the Board of State and Community Corrections under Section 210,
31 210.2, 875, 885, or subdivision (e) of Section 207.1, and if, within
32 60 days of having received notice of noncompliance from the board
33 or the judge of the juvenile court, the juvenile hall, special purpose
34 juvenile hall, camp, ranch, secure youth treatment facility, law
35 enforcement facility, or jail has failed to file an approved corrective
36 action plan with the Board of State and Community Corrections
37 to correct the condition or conditions of noncompliance of which
38 it has been notified. ~~The~~

39 (2) (A) A corrective action plan shall outline how the juvenile
40 hall, special purpose juvenile hall, camp, ranch, secure youth

1 treatment facility, law enforcement facility, or jail plans to correct
2 the issue of noncompliance and give a reasonable timeframe, not
3 to exceed 90 days, for resolution, that the board shall either approve
4 or deny. ~~In~~

5 *(B) Subject to revocation, the board may delegate the authority*
6 *to approve or disapprove a corrective action plan to the board's*
7 *executive director or a deputy director. A delegee shall approve*
8 *or disapprove the corrective action plan in accordance with*
9 *criteria and considerations for approval or disapproval, which*
10 *the board shall develop. The approval or disapproval of a*
11 *corrective action plan by a delegee shall be effective as of the date*
12 *the determination is made by the delegee. If that determination is*
13 *made more than 15 days prior to the board's next regularly*
14 *scheduled meeting, the board shall either ratify or overrule the*
15 *delegee's approval or disapproval of the corrective action plan*
16 *at its next regularly scheduled meeting. If that determination is*
17 *made 15 days or fewer prior to the board's next regularly*
18 *scheduled meeting, the board shall either ratify or overrule the*
19 *delegee's approval or disapproval of the corrective action plan*
20 *at the first regularly scheduled meeting occurring after the next*
21 *regularly scheduled meeting. The board's ratification or overruling*
22 *of the corrective action plan shall not alter the effective date of*
23 *the delegee's initial determination to approve or disapprove the*
24 *corrective action plan or extend any time period for compliance.*

25 *(3) In the event the juvenile hall, special purpose juvenile hall,*
26 *camp, ranch, secure youth treatment facility, law enforcement*
27 *facility, or jail fails to meet its commitment to resolve*
28 *noncompliance issues outlined in its corrective action plan, the*
29 *board shall make a determination of suitability at its next scheduled*
30 *meeting.*

31 *(e) If a juvenile hall, special purpose juvenile hall, camp, ranch,*
32 *or secure youth treatment facility is not in compliance with one or*
33 *more of the minimum standards for juvenile facilities adopted by*
34 *the Board of State and Community Corrections under Section 210,*
35 *875, 885, or subdivision (e) of Section 207.1, and where the*
36 *noncompliance arises from sustained occupancy levels that are*
37 *above the population capacity permitted by applicable minimum*
38 *standards, the juvenile hall shall be unsuitable for the confinement*
39 *of juveniles if the board or the judge of the juvenile court*
40 *determines that conditions in the facility pose a serious risk to the*

1 health, safety, or welfare of juveniles confined in the facility. In
2 making its determination of suitability, the board or the judge of
3 the juvenile court shall consider, in addition to the noncompliance
4 with minimum standards, the totality of conditions in the juvenile
5 hall, special purpose juvenile hall, camp, ranch, or secure youth
6 treatment facility, including the extent and duration of
7 overpopulation as well as staffing, program, physical plant, and
8 medical and mental health care conditions in the facility. The Board
9 of State and Community Corrections may develop guidelines and
10 procedures for its determination of suitability in accordance with
11 this subdivision and to assist counties in bringing their juvenile
12 halls, special purpose juvenile hall, camp, ranch, or secure youth
13 treatment facility into full compliance with applicable minimum
14 standards. This subdivision shall not be interpreted to exempt a
15 juvenile hall, special purpose juvenile hall, camp, ranch, or secure
16 youth treatment facility from having to correct, in accordance with
17 subdivision (d), any minimum standard violations that are not
18 directly related to overpopulation of the facility.

19 (f) All reports and notices of findings prepared by the Board of
20 State and Community Corrections pursuant to this section shall
21 be posted on the Board of State and Community Corrections’
22 internet website in a manner in which they are accessible to the
23 public.

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

26 (1) “Juvenile” means a person who meets any of the following
27 criteria:

28 (A) A person under 18 years of age.

29 (B) A person under the maximum age of juvenile court
30 jurisdiction who is not currently an incarcerated adult as defined
31 in paragraph (2) of this subdivision.

32 (C) A person whose case originated in the juvenile court and is
33 subject to Section 208.5.

34 (2) “Incarcerated adult” means a person who is 18 years of age
35 or older, not subject to the jurisdiction of the juvenile court, and
36 has been arrested and is in custody for, or awaiting trial on, a
37 criminal charge, or has been convicted of a criminal offense, and
38 is not a juvenile defined in subparagraph (C) of paragraph (1) of
39 this subdivision.

(3) “Subject to the jurisdiction of the juvenile court” means a person alleged or found to be subject to Section 601, 602, 607, or 875.

(h) This section does not require the judge of the juvenile court or the board to make determinations of suitability for local correctional facilities based on standards adopted pursuant to Section 6030 of the Penal Code.

(i) (1) The board may bring a civil action to enforce compliance with minimum standards for juvenile facilities or closure, as described in this section, in the superior court in the county in which a facility is located if the facility has received notice pursuant to paragraph (4) of subdivision (a).

(2) This subdivision does not preclude the Attorney General from conducting an independent investigation or bringing a civil action of its own to address violations of any applicable law.

(3) The board may seek any appropriate relief available under existing law, including, but not limited to, injunctive relief, orders compelling compliance, sanctions, and equitable relief it deems necessary to protect the health, safety, and welfare of juveniles in custody within the applicable county. The board may also seek attorney’s fees to the extent authorized by existing law.

(4) The board’s authority to bring a civil action pursuant to this section is in addition to any other enforcement authority and remedies available under existing law.

(5) The board’s authority to bring a civil action does not limit the ability of the affected county to seek any temporary or permanent relief from the obligations or consequences imposed by this section, to the extent that relief is available under existing law.

SEC. 23. Section 4361 of the Welfare and Institutions Code is amended to read:

4361. (a) As used in this section, “department” means the State Department of State Hospitals.

(b) The purpose of this chapter is to, subject to appropriation by the Legislature, promote the diversion of individuals with serious mental disorders as prescribed in Chapter 2.8A (commencing with Section 1001.35) of Title 6 of Part 2 of the Penal Code, and to assist counties in providing diversion for individuals with serious mental illnesses who have been found incompetent to stand trial for a felony charge. In implementing

1 this chapter, the department shall consider local discretion and
2 flexibility in diversion activities that meet the community's needs
3 and provide for the safe and effective treatment of individuals with
4 serious mental disorders across a continuum of care.

5 (c) (1) Subject to appropriation by the Legislature, the
6 department may solicit proposals from, and may contract with, a
7 county to help fund the development or expansion of pretrial
8 diversion described in Chapter 2.8A (commencing with Section
9 1001.35) of Title 6 of Part 2 of the Penal Code, for the population
10 described in subdivision (b) and that meets all of the following
11 criteria:

12 (A) Participants are individuals diagnosed with a mental disorder
13 as identified in the most recent edition of the Diagnostic and
14 Statistical Manual of Mental Disorders, including, but not limited
15 to, bipolar disorder, schizophrenia, and schizoaffective disorder,
16 but excluding a primary diagnosis of antisocial personality disorder,
17 borderline personality disorder, and pedophilia, and who are
18 presenting non-substance-induced psychotic symptoms, who have
19 been found incompetent to stand trial pursuant to clause (v) of
20 subparagraph (C) of paragraph (1) of subdivision (a) of Section
21 1370 of the Penal Code.

22 (B) There is a significant relationship between the individual's
23 serious mental disorder and the charged offense, or between the
24 individual's conditions of homelessness and the charged offense.

25 (C) The individual does not pose an unreasonable risk of danger
26 to public safety, as defined in Section 1170.18 of the Penal Code,
27 if treated in the community.

28 (2) A county submitting a proposal for funding under this
29 chapter shall designate a lead entity to apply for the funds. This
30 lead entity shall show in its proposal that it has support from other
31 county entities or other relevant entities, including courts, that are
32 necessary to provide successful diversion of individuals under the
33 contract.

34 (d) When evaluating proposals from the county, ~~the department,~~
35 ~~in consultation with the Council on Criminal Justice and Behavioral~~
36 ~~Health within the Department of Corrections and Rehabilitation,~~
37 *department* shall prioritize proposals that demonstrate all of the
38 following:

39 (1) Provision of clinically appropriate or evidence-based mental
40 health treatment and wraparound services across a continuum of

1 care, as appropriate, to meet the individual needs of the diversion
2 participant. For purposes of this section, “wraparound services”
3 means services provided in addition to the mental health treatment
4 necessary to meet the individual’s needs for successfully managing
5 the individual’s mental health symptoms and to successfully live
6 in the community. Wraparound services provided by the diversion
7 program shall include appropriate housing, intensive case
8 management, and substance use disorder treatment, and may
9 include, without limitation, forensic assertive community treatment
10 teams, crisis residential services, criminal justice coordination,
11 peer support, and vocational support.

12 (2) Collaboration between community stakeholders and other
13 partner government agencies in the diversion of individuals with
14 serious mental disorders.

15 (3) Connection of individuals to services in the community after
16 they have completed diversion as provided in this chapter.

17 (e) The department may also provide funding in the contract
18 with the county, subject to appropriation by the Legislature, to
19 cover the cost of providing postbooking assessment of defendants
20 who are likely to be found incompetent to stand trial on felony
21 charges to determine whether the defendant would benefit from
22 diversion as included in the contract.

23 (f) The department may also provide funding in the contract
24 with the county, subject to appropriation by the Legislature, to
25 cover the cost of in-jail treatment prior to the placement in the
26 community for up to an average of 15 days for defendants who
27 have been approved by the court for diversion as included in the
28 contract.

29 (g) A county contracted pursuant to this chapter shall report
30 data and outcomes to the department, within 30 days after the end
31 of each month, regarding those individuals targeted by the contract
32 and in the program. This subdivision does not preclude the
33 department from specifying reporting formats or from modifying,
34 reducing, or adding data elements or outcome measures from a
35 contracting county, as needed to provide for reporting of effective
36 data and outcome measures. Notwithstanding any other law, but
37 only to the extent not prohibited by federal law, the county shall
38 provide specific patient information to the department for reporting
39 purposes. The patient information is confidential and is not open

1 to public inspection. A contracting county shall, at a minimum,
2 report all of the following:

3 (1) The number of individuals that the court ordered to
4 postbooking diversion and the length of time for which the
5 defendant has been ordered to diversion.

6 (2) The number of individuals participating in diversion.

7 (3) The name, social security number, criminal identification
8 and information (CII) number, date of birth, and demographics of
9 each individual participating in the program. This information is
10 confidential and is not open to public inspection.

11 (4) The length of time in diversion for each participating
12 individual. This information is confidential and is not open to
13 public inspection.

14 (5) The types of services and supports provided to each
15 individual participating in diversion. This information is
16 confidential and is not open to public inspection.

17 (6) The number of days each individual was in jail prior to
18 placement in diversion. This information is confidential and is not
19 open to public inspection.

20 (7) The number of days that each individual spent in each level
21 of care facility. This information is confidential and is not open to
22 public inspection.

23 (8) The diagnoses of each individual participating in diversion.
24 This information is confidential and is not open to public
25 inspection.

26 (9) The nature and felony or misdemeanor classification of the
27 charges for each individual participating in diversion. This
28 information is confidential and is not open to public inspection.

29 (10) The number of individuals who completed diversion.

30 (11) The name, social security number, CII number, and birth
31 date of each individual who did not complete diversion and the
32 reasons for not completing. This information is confidential and
33 is not open to public inspection.

34 (h) Contracts awarded pursuant to this chapter are exempt from
35 the requirements contained in the Public Contract Code and the
36 State Administrative Manual and are not subject to approval by
37 the Department of General Services.

38 (i) The funds shall not be used to supplant existing services or
39 services reimbursable from an available source but rather to expand

1 upon them or support new services for which existing
2 reimbursement may be limited.

3 (j) (1) Beginning July 1, 2021, subject to appropriation by the
4 Legislature, the department may amend contracts with a county
5 to fund the expansion of an existing department-funded pretrial
6 diversion as described in Chapter 2.8A (commencing with Section
7 1001.35) of Title 6 of Part 2 of the Penal Code, for the population
8 described in subdivision (b) and that meets both of the following
9 criteria:

10 (A) All participants identified for potential diversion are found
11 incompetent to stand trial on a felony charge.

12 (B) Participants diverted through a program expansion suffer
13 from a mental disorder as identified in the most recent edition of
14 the Diagnostic and Statistical Manual of Mental Disorders,
15 excluding antisocial personality disorder, borderline personality
16 disorder, and pedophilia.

17 (2) Counties expanding their programs under this section will
18 not be required to meet any additional match funding requirements.

19 (k) Notwithstanding Chapter 3.5 (commencing with Section
20 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
21 the state hospitals and the department may implement, interpret,
22 or make specific this section by means of a departmental letter or
23 other similar instruction, as necessary.

24 (l) The department shall have access to the arrest records and
25 state summary of criminal history of defendants who are
26 participating or have participated in the diversion program. The
27 information may be used solely for the purpose of looking at the
28 recidivism rate for those patients.

29 (m) If the defendant is committed directly to a county program
30 in lieu of commitment to the department, counties shall provide
31 the minute order from the court documenting the incompetent to
32 stand trial finding on a felony charge and the original alienist
33 evaluation associated with that finding.

34 (n) For department-funded diversion programs funded through
35 appropriations made by the Budget Act of 2018 or new county
36 programs funded through the Budget Act of 2021, participants in
37 those county programs may include individuals diagnosed with
38 schizophrenia, schizoaffective disorder, or bipolar disorder, who
39 are likely to be found incompetent to stand trial for felony charges,
40 pursuant to Section 1368 of the Penal Code, or who have been

1 found incompetent to stand trial pursuant to clause (v) of
2 subparagraph (C) of paragraph (1) of subdivision (a) of Section
3 1370 of the Penal Code, until new funds are dispersed to the
4 county. Counties shall continue to comply with all terms of the
5 contract signed with the department, including matching fund and
6 data reporting requirements.

7 *SEC. 24. The sum of five million dollars (\$5,000,000) is hereby*
8 *appropriated for the 2025–26 fiscal year from the General Fund*
9 *to the Department of Justice, and shall be available for*
10 *encumbrance or expenditure until June 30, 2030, for purposes of*
11 *administering the Tribal Police Pilot Program pursuant to Article*
12 *2.45 (commencing with Section 11073) of Chapter 1 of Title 1 of*
13 *Part 4 of the Penal Code.*

14 *SEC. 25. This act is a bill providing for appropriations related*
15 *to the Budget Bill within the meaning of subdivision (e) of Section*
16 *12 of Article IV of the California Constitution, has been identified*
17 *as related to the budget in the Budget Bill, and shall take effect*
18 *immediately.*

19 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
20 ~~changes relating to the Budget Act of 2025.~~