Assembly Bill No. 134

Passed the Assembly June 27, 2025

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Chief Clerk of the Assembly

Passed the Senate June 27, 2025

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Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2025, at _____ o'clock ___M.

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Private Secretary of the Governor

CHAPTER _____

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

AB 134, Committee on Budget. 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.

Appropriation: yes.

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

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

12838.6. The following entities shall be continued in existence within the Department of Corrections and Rehabilitation and shall retain existing functions, powers, responsibilities, and jurisdiction, except as expressly provided otherwise: Prison Industry Authority, Prison Industry Authority Board, California Council for Interstate Adult Offender Supervision, and the Joint Venture Policy Advisory Board. For purposes of this article, these shall be known as "continuing entities."

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

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

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

(1) At the request of a state or local law enforcement agency.

(2) Under exigent circumstances involving an immediate danger to persons or property, or the escape of a perpetrator.

(3) For the purpose of making an arrest consistent with Section 836, when a public offense has occurred, or there is probable cause to believe a public offense has occurred, within the Indian country of the tribe that employs the peace officer, and with the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by that chief, director, or officer to give consent, if the

place is within a city, or of the sheriff, or person authorized by the sheriff to give consent, if the place is within an unincorporated area of a county.

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

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

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

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

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

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

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

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

(c) Each police chief, or any other person in charge of a qualified entity, as defined in Section 11073, as a condition of continued authority as a peace officer, shall obtain the basic certificate issued by the Commission on Peace Officer Standards 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.

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

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 accredited public or nonprofit colleges or universities.

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

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

(i) Provide face-to-face, classroom-based instruction.

(ii) Provide comprehensive in-person student supports, including counseling, advising, tutoring, and library services.

(iii) Offer transferable degree-building pathways.

(iv) Facilitate real-time student-to-student interaction and learning.

(v) Coordinate with other colleges and universities serving students in the department so that inmate students who are transferred to another institution can continue building toward a degree or credential.

(vi) Coordinate with the California Community Colleges Rising Scholars Network, the California State University Project Rebound Consortium, the University of California Underground Scholars Initiative, or other nonprofit postsecondary programs specifically serving formerly incarcerated students so that incarcerated students who are paroled receive support to continue building toward a degree or credential.

(vii) Do not charge incarcerated students or their families for tuition, course materials, or other educational components.

(viii) Waive or offer grant aid to cover tuition, course materials, or other educational components for incarcerated students.

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

(i) Determining and developing their curricula and degree pathways.

(ii) Determining certificate pathways, in consultation with, and with the approval of, the department.

(iii) Providing instructional staff and academic advising or counseling staff.

(iv) Determining what specific services, including, but not limited to tutoring, academic counseling, library, and career advising, shall be offered to ensure incarcerated students can successfully complete their course of study.

(D) An inmate who is enrolled, pursuant to this section, in a degree-granting college or university program equivalent to full-time postsecondary enrollment, as defined by state regulations for the respective degree, shall receive the same privileges as an inmate with a full-time work or training assignment.

(E) Subparagraph (B) does not prevent an inmate from enrolling on their own, independent of the department, in a postsecondary

education course that does not meet the criteria specified in that subparagraph.

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

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

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

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

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

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

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

(i) Increasing empathy and mindfulness.

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

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

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

(v) Victim impacts and understanding.

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

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

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

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

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

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

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

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

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

(b) Notwithstanding Section 5068, the following persons are exempt from the requirements of subdivision (a), so long as they continue in employment in the same class and in the same department:

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

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

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

(B) For the purposes of this paragraph, "qualifying experience" means experience that satisfies the requirements of Chapter 6.6 (commencing with Section 2900), Chapter 13 (commencing with Section 4980), Chapter 14 (commencing with Section 4991), or Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(2) A waiver granted pursuant to this subdivision shall not exceed four years from commencement of the employment in this state in a position that includes qualifying experience, at which time licensure shall have been obtained or the employment shall be terminated, except that an extension of a waiver of licensure may be granted for one additional year, based on extenuating circumstances determined by the department pursuant to subdivision (d). For persons employed as psychologists, clinical social workers, marriage and family therapists, or professional clinical counselors less than full time, an extension of a waiver of licensure may be granted for additional years proportional to the extent of part-time employment, as long as the person is employed without interruption in service, but in no case shall the waiver of licensure exceed five years in the case of psychologists or six years in the case of clinical social workers, marriage and family therapists, or professional clinical counselors. However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science who are enrolled at an accredited university, college,

or professional school, but these limitations shall apply following completion of that training.

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

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

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

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

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

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

6006. The Department of Corrections and Rehabilitation shall develop rules regarding the mandatory examination or testing for tuberculosis of the staff of the department. These rules shall include mandated annual examination for tuberculosis of employees whose primary job functions require them to work inside an institution and as a part of preemployment requirements. Except as provided

in Section 6007, the confidentiality of the test results shall be maintained. However, statistical summaries that do not identify specific individuals may be prepared.

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

SEC. 11. Section 6006.5 is added to the Penal Code, to read:

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

(a) "Annual TB screening" means a yearly risk assessment to determine the presence of tuberculosis (TB) symptoms in an individual.

(b) "Baseline TB screening and testing" means a process that includes an individual TB risk assessment and an initial TB test, as defined by the federal Centers for Disease Control and Prevention (CDC).

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

(d) "Department" means the Department of Corrections and Rehabilitation.

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

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

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

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

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

6007. (a) A person who is employed by the department and whose primary job functions require them to work inside an institution shall complete baseline TB screening and testing and shall provide a certificate to the department within seven days of appointment to their position showing they are free of active tuberculosis. The employee shall not be allowed to perform any

job duties within a licensed area within the institution until the certificate has been submitted and accepted by the department.

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

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

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

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

(2) Offered at no cost to the employee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Develop incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services, such as job training and employment opportunities, to a broader target population, including at-promise youth, and maximize the impact of state funds at the local level.

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

(10) Identify and evaluate state, local, and federal gang and youth violence suppression, intervention, and prevention programs and strategies, along with funding for those efforts. The board shall assess and make recommendations for the coordination of the state's programs, strategies, and funding that address gang and

youth violence in a manner that maximizes the effectiveness and coordination of those programs, strategies, and resources. By January 1, 2014, the board shall develop funding allocation policies to ensure that within three years no less than 70 percent of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. The board shall communicate with local agencies and programs in an effort to promote the best evidence-based principles and practices for addressing gang and youth violence through suppression, intervention, and prevention.

(11) The board shall collect from each county the plan submitted pursuant to Section 1230.1 within two months of adoption by the county boards of supervisors.

(12) Commencing on and after July 1, 2012, the board, in consultation with the Administrative Office of the Courts, the California State Association of Counties, the California State Sheriffs' Association, and the Chief Probation Officers of California, shall support the development and implementation of first phase baseline and ongoing data collection instruments to reflect the local impact of Chapter 15 of the Statutes of 2011, specifically related to dispositions for felony offenders and postrelease community supervision. The board shall make any data collected pursuant to this paragraph available on the board's internet website. It is the intent of the Legislature that the board promote collaboration and the reduction of duplication of data collection and reporting efforts where possible.

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

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

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

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

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

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

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

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

(c) (1) Upon completion of an audit or review pursuant to subdivision (b), the Inspector General shall prepare a complete written report, which may be held as confidential and disclosed in confidence, along with all underlying materials the Inspector General deems appropriate, to the Department of Corrections and Rehabilitation and to the requesting entity in subdivision (b), where applicable.

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

(d) The Inspector General shall, during the course of an audit or review, identify areas of full and partial compliance, or noncompliance, with departmental policies and procedures, specify deficiencies in the completion and documentation of processes, and recommend corrective actions, including, but not limited to, additional training, additional policies, or changes in policy, as

well as any other findings or recommendations that the Inspector General deems appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

(4) All identifying information, and any personal papers or correspondence from any person requesting assistance from the Inspector General, except in those cases where the Inspector General determines that disclosure of the information is necessary in the interests of justice.

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

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

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

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

Article 2.45. Tribal Police Pilot Program

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

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

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

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

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

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

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

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

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

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

(A) A clear and unequivocal limited waiver of tribal sovereign immunity against any suit, liability, and judgment, including the full enforcement of judgments and collections for a peace officer designated pursuant to this program, in connection with any act or omission arising out of the qualified entity's participation in this pilot program, including, but not limited to, any act or omission by a tribal law enforcement officer exercising, or purporting to exercise, the authority granted by Section 830.83.

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

(C) An express acknowledgment of the Attorney General's inherent authority over the peace officers and law enforcement

agencies of the state pursuant to Section 13 of Article V of the California Constitution and a grant of authority over tribal law enforcement agencies to the Attorney General for the duration of the pilot program or later if there is an ongoing inspection, audit, review, or investigation.

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

(E) (i) A requirement for the qualified entity to carry sufficient insurance coverage for the liability of the qualified entity and its officers, employees, and other agents arising out of the qualified entity's participation in this pilot program.

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

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

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

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

(8) Comply with all applicable provisions of Sections 13012, 13020 to 13023, inclusive, 13730, 13777, and 13519.4 of this code, Sections 7284.6, 12525, 12525.2, and 12525.5 of the Government

Code, and any implementing regulations thereof, and all applicable remedies.

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

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

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

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

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

(g) Any criminal charge resulting from a custodial arrest made by, or citation issued by, a peace officer designated pursuant to this program, while exercising the authority granted by Section 830.83, shall be within the jurisdiction of the courts of the State of California.

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

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

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

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

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

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

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

(ii) By no later than January 1, 2030, the department shall prepare and submit a final report to the Legislature, the Assembly Select Committee on Native American Affairs, and the Assembly and Senate Public Safety Committees.

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

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

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

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

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

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

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

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

(3) "Qualified entity" means any of the three federally recognized tribes to be selected by the department, provided that those tribes elect to participate. In selecting the tribes, the department shall consider selecting tribes of different sizes from different parts of the state, as well as a tribe's access to public safety resources.

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

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

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

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

209. (a) (1) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, lockup,

special purpose juvenile hall, camp, ranch, or secure youth treatment facility situated in this state that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any juvenile.

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

(3) (A) The Board of State and Community Corrections shall conduct, at a minimum, a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any juvenile. The board shall promptly notify the operator of any jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 210.2, 875, 885, or subdivision (e) of Section 207.1.

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

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

facility unsuitable have been remedied, and the facility is a suitable place for confinement of juveniles.

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

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

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

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

(c) The board shall collect biennial data on the number, place, and duration of confinements of juveniles in jails and lockups, as

defined in subdivision (g) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

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

(2) (A) A corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny.

(B) Subject to revocation, the board may delegate the authority to approve or disapprove a corrective action plan to the board's executive director or a deputy director. A delegee shall approve or disapprove the corrective action plan in accordance with criteria and considerations for approval or disapproval, which the board shall develop. The approval or disapproval of a corrective action plan by a delegee shall be effective as of the date the determination is made by the delegee. If that determination is made more than 15 days prior to the board's next regularly scheduled meeting, the board shall either ratify or overrule the delegee's approval or disapproval of the corrective action plan at its next regularly scheduled meeting. If that determination is made 15 days or fewer prior to the board's next regularly scheduled meeting, the board shall either ratify or overrule the delegee's approval or disapproval of the corrective action plan at the first regularly scheduled meeting occurring after the next regularly scheduled meeting. The board's

ratification or overruling of the corrective action plan shall not alter the effective date of the delegee's initial determination to approve or disapprove the corrective action plan or extend any time period for compliance.

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

(e) If a juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 875, 885, or subdivision (e) of Section 207.1, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of juveniles if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of juveniles confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of State and Community Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls, special purpose juvenile hall, camp, ranch, or secure youth treatment facility into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility from having to correct, in accordance with subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

(f) All reports and notices of findings prepared by the Board of State and Community Corrections pursuant to this section shall

be posted on the Board of State and Community Corrections' internet website in a manner in which they are accessible to the public.

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

(1) "Juvenile" means a person who meets any of the following criteria:

(A) A person under 18 years of age.

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

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

(2) "Incarcerated adult" means a person who is 18 years of age or older, not subject to the jurisdiction of the juvenile court, and has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, and is not a juvenile defined in subparagraph (C) of paragraph (1) of 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 this chapter, the department shall consider local discretion and flexibility in diversion activities that meet the community's needs and provide for the safe and effective treatment of individuals with serious mental disorders across a continuum of care.

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

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

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

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

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

(d) When evaluating proposals from the county, the department shall prioritize proposals that demonstrate all of the following:

(1) Provision of clinically appropriate or evidence-based mental health treatment and wraparound services across a continuum of care, as appropriate, to meet the individual needs of the diversion participant. For purposes of this section, "wraparound services" means services provided in addition to the mental health treatment necessary to meet the individual's needs for successfully managing the individual's mental health symptoms and to successfully live in the community. Wraparound services provided by the diversion program shall include appropriate housing, intensive case management, and substance use disorder treatment, and may include, without limitation, forensic assertive community treatment teams, crisis residential services, criminal justice coordination, peer support, and vocational support.

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

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

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

(f) The department may also provide funding in the contract with the county, subject to appropriation by the Legislature, to

cover the cost of in-jail treatment prior to the placement in the community for up to an average of 15 days for defendants who have been approved by the court for diversion as included in the contract.

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

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

(2) The number of individuals participating in diversion.

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

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

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

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

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

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

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

(10) The number of individuals who completed diversion.

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

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

(i) The funds shall not be used to supplant existing services or services reimbursable from an available source but rather to expand upon them or support new services for which existing reimbursement may be limited.

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

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

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

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

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

(*l*) The department shall have access to the arrest records and state summary of criminal history of defendants who are participating or have participated in the diversion program. The

information may be used solely for the purpose of looking at the recidivism rate for those patients.

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

(n) For department-funded diversion programs funded through appropriations made by the Budget Act of 2018 or new county programs funded through the Budget Act of 2021, participants in those county programs may include individuals diagnosed with schizophrenia, schizoaffective disorder, or bipolar disorder, who are likely to be found incompetent to stand trial for felony charges, pursuant to Section 1368 of the Penal Code, or who have been found incompetent to stand trial pursuant to clause (v) of subparagraph (C) of paragraph (1) of subdivision (a) of Section 1370 of the Penal Code, until new funds are dispersed to the county. Counties shall continue to comply with all terms of the contract signed with the department, including matching fund and data reporting requirements.

SEC. 24. The sum of five million dollars ($5,000,000) is hereby appropriated for the 2025–26 fiscal year from the General Fund to the Department of Justice, and shall be available for encumbrance or expenditure until June 30, 2030, 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.

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

Approved _____, 2025

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Governor