

AMENDED IN SENATE JUNE 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 134

Introduced by ~~Assembly Member Gabriel~~ Committee on Budget
(Assembly Members Gabriel (Chair), Addis, Ahrens, Alvarez,
Bennett, Bonta, Connolly, Fong, Haney, Hart, Jackson, Lee,
Muratsuchi, Ortega, Patel, Petrie-Norris, Quirk-Silva, Ramos,
Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Ward, and
Wilson)

January 8, 2025

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

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as amended, ~~Gabriel~~ *Committee on Budget. Budget Act of 2025.* *Public Safety.*

(1) Existing law establishes the Office of the Inspector General, which is responsible for, among other things, contemporaneous public oversight of the Department of Corrections and Rehabilitation investigations and staff grievance inquiries conducted by the department's Office of Internal Affairs. Existing law establishes within

the office the California Rehabilitation Oversight Board, which consists of 11 members. Existing law requires the board, among other things, to regularly examine the various mental health, substance abuse, educational, and employment programs for incarcerated persons and parolees operated by the department.

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

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

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

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

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

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

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

This bill would repeal the provisions that establish the council and make other conforming changes, including deleting the above-described

requirement that the State Department of State Hospitals consult with the council to evaluate county proposals relating to mental health diversion.

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

This bill would repeal the provisions mentioned above.

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

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

Existing law requires the Board of State and Community Corrections to conduct a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, as specified. Existing law specifies that a juvenile facility is unsuitable for the confinement of juveniles if the facility is not in

compliance with one or more of the minimum standards for juvenile facilities adopted by the board and the facility has failed to file an approved corrective action plan with the board. Existing law requires, if a juvenile facility does not resolve the noncompliance issues outlined in its corrective plan, the board to make a determination of suitability at its next scheduled meeting. Existing law prohibits the facility from being used to confine juveniles if it is not being operated and maintained as a suitable place for the confinement of juveniles.

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

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

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

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

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

(6) Existing law requires any person employed or under contract to provide mental health diagnostic, treatment, or other mental health services in the state correctional system to be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified. Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to waive that requirement for persons in the professions of psychology or social work who are gaining qualifying experience for licensure in that profession in this state. For persons employed less than full time as psychologists or clinical social workers, existing law authorizes an extension of a waiver to be granted for additional years proportional to the extent of part-time employment, as provided, but prohibits the waiver from exceeding 6 years in the case of clinical social workers or 5 years in the case of psychologists.

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

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

This bill would revise and recast the above-described provisions to require the department to develop rules regarding the mandatory examination or testing for tuberculosis of its staff, as specified. The bill would require a person who is employed by the department and whose primary job functions require them to work inside an institution to complete baseline TB screening and testing and provide a certificate to the department within seven days of appointment to their position showing they are free of active tuberculosis. The bill would require specified employees to receive annual TB screening and ensure that certificates are submitted and accepted by the department, as specified. The bill would authorize the department to require more frequent TB screening or testing, as specified, if there is a known exposure or ongoing transmission within an institution. The bill would delete obsolete definitions, update other definitions, and define additional terms, including “annual TB screening” and “baseline TB screening and testing.”

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

This bill would delete those provisions.

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

Existing federal law authorizes tribal governments to employ tribal police for the enforcement of tribal law on tribal lands. Existing federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Existing state law deems a tribal police officer who

has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California.

This bill would, from July 1, 2026, until July 1, 2029, establish a pilot program under the Department of Justice and the Commission on Peace Officer Standards and Training granting peace officer authority to certain tribal police officers on Indian lands and elsewhere in the state under specified circumstances. The bill would authorize the department to select 3 tribal entities to participate, would set certain minimum qualifications and certification and training requirements for a tribal officer to act pursuant to this authority, and would place certain requirements on the employing tribe, including a limited waiver of sovereign immunity, and the adoption of a tribal law or resolution authorizing that exercise of authority and providing for public access to certain records. The bill would require the Department of Justice to provide ongoing monitoring and evaluation and to prepare and submit reports to the Legislature, as specified.

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

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

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

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

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

(9) The bill would appropriate \$5,000,000 for the 2025–26 fiscal year from the General Fund to the Department of Justice for purposes of administering the Tribal Police Pilot Program pursuant to Article

2.45 (commencing with Section 11073) of Chapter 1 of Title 1 of Part 4 of the Penal Code, as specified.

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

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

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

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

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

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

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

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

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

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

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

4 (3) *For the purpose of making an arrest consistent with Section*
5 *836, when a public offense has occurred, or there is probable*
6 *cause to believe a public offense has occurred, within the Indian*
7 *country of the tribe that employs the peace officer, and with the*
8 *prior consent of the chief of police or chief, director, or chief*
9 *executive officer of a consolidated municipal public safety agency,*
10 *or person authorized by that chief, director, or officer to give*
11 *consent, if the place is within a city, or of the sheriff, or person*
12 *authorized by the sheriff to give consent, if the place is within an*
13 *unincorporated area of a county.*

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

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

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

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

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

29 832.55. (a) *Notwithstanding subdivision (a) of Section 13510.1,*
30 *peace officers described in Section 830.83 shall be subject to the*
31 *applicable requirements of, the certification program for peace*
32 *officers described in Section 13510.1.*

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

39 (2) *If the probationary period established by the employing*
40 *agency is 24 months, a peace officer described in this subdivision*

1 *may continue to exercise the powers of a peace officer for an*
2 *additional 3-month period to allow for the processing of the*
3 *certification application.*

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

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

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

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

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

18 ~~1233.9. (a) There is hereby created in the State Treasury the~~
19 ~~Recidivism Reduction Fund for moneys to be available upon~~
20 ~~appropriation by the Legislature, for activities designed to reduce~~
21 ~~the state's prison population, including, but not limited to, reducing~~
22 ~~recidivism. Funds available in the Recidivism Reduction Fund~~
23 ~~may be transferred to the State Community Corrections~~
24 ~~Performance Incentives Fund.~~

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

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

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

32 ~~1233.10. (a) Upon agreement to accept funding from the~~
33 ~~Recidivism Reduction Fund, created in Section 1233.9, a county~~
34 ~~board of supervisors, in collaboration with the county's Community~~
35 ~~Corrections Partnership, shall develop, administer, and collect and~~
36 ~~submit data to the Board of State and Community Corrections~~
37 ~~regarding a competitive grant program intended to fund community~~
38 ~~recidivism and crime reduction services, including, but not limited~~
39 ~~to, delinquency prevention, homelessness prevention, and reentry~~
40 ~~services.~~

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

Alameda	\$—250,000
Alpine	\$—10,000
Amador	\$—10,000
Butte	\$—50,000
Calaveras	\$—10,000
Colusa	\$—10,000
Contra Costa	\$—250,000
Del Norte	\$—10,000
El Dorado	\$—50,000
Fresno	\$—250,000
Glenn	\$—10,000
Humboldt	\$—50,000
Imperial	\$—50,000
Inyo	\$—10,000
Kern	\$—250,000
Kings	\$—50,000
Lake	\$—25,000
Lassen	\$—10,000
Los Angeles	\$1,600,000
Madera	\$—50,000
Marin	\$—50,000
Mariposa	\$—10,000
Mendocino	\$—25,000
Merced	\$—50,000
Modoc	\$—10,000
Mono	\$—10,000
Monterey	\$—100,000
Napa	\$—50,000
Nevada	\$—25,000
Orange	\$—500,000
Placer	\$—50,000
Plumas	\$—10,000
Riverside	\$—500,000
Sacramento	\$—250,000
San Benito	\$—25,000

1	San Bernardino	\$—500,000
2	San Diego	\$—500,000
3	San Francisco	\$—250,000
4	San Joaquin	\$—250,000
5	San Luis Obispo	\$—50,000
6	San Mateo	\$—250,000
7	Santa Barbara	\$—100,000
8	Santa Clara	\$—500,000
9	Santa Cruz	\$—50,000
10	Shasta	\$—50,000
11	Sierra	\$—10,000
12	Siskiyou	\$—10,000
13	Solano	\$—100,000
14	Sonoma	\$—100,000
15	Stanislaus	\$—100,000
16	Sutter	\$—25,000
17	Tehama	\$—25,000
18	Trinity	\$—10,000
19	Tulare	\$—100,000
20	Tuolumne	\$—25,000
21	Ventura	\$—250,000
22	Yolo	\$—50,000
23	Yuba	\$—25,000

24
25 ~~(2) Commencing with the 2015–16 fiscal year, the funding shall~~
26 ~~be allocated to counties by the State Controller’s Office from Item~~
27 ~~5227-101-3259 of Section 2.00 of the Budget Act of 2015~~
28 ~~according to the following schedule:~~

29		
30	Alameda	\$—125,000
31	Alpine	\$—5,000
32	Amador	\$—5,000
33	Butte	\$—25,000
34	Calaveras	\$—5,000
35	Colusa	\$—5,000
36	Contra Costa	\$—125,000
37	Del Norte	\$—5,000
38	El Dorado	\$—25,000
39	Fresno	\$—125,000
40	Glenn	\$—5,000

1	Humboldt	\$—25,000
2	Imperial	\$—25,000
3	Inyo	\$—5,000
4	Kern	\$—125,000
5	Kings	\$—25,000
6	Lake	\$—12,500
7	Lassen	\$—5,000
8	Los Angeles	\$—800,000
9	Madera	\$—25,000
10	Marin	\$—25,000
11	Mariposa	\$—5,000
12	Mendocino	\$—12,500
13	Merced	\$—25,000
14	Modoc	\$—5,000
15	Mono	\$—5,000
16	Monterey	\$—50,000
17	Napa	\$—25,000
18	Nevada	\$—12,500
19	Orange	\$—250,000
20	Placer	\$—25,000
21	Plumas	\$—5,000
22	Riverside	\$—250,000
23	Sacramento	\$—125,000
24	San Benito	\$—12,500
25	San Bernardino	\$—250,000
26	San Diego	\$—250,000
27	San Francisco	\$—125,000
28	San Joaquin	\$—125,000
29	San Luis Obispo	\$—25,000
30	San Mateo	\$—125,000
31	Santa Barbara	\$—50,000
32	Santa Clara	\$—250,000
33	Santa Cruz	\$—25,000
34	Shasta	\$—25,000
35	Sierra	\$—5,000
36	Siskiyou	\$—5,000
37	Solano	\$—50,000
38	Sonoma	\$—50,000
39	Stanislaus	\$—50,000
40	Sutter	\$—12,500

1	Tehama	\$—12,500
2	Trinity	\$—5,000
3	Tulare	\$—50,000
4	Tuolumne	\$—12,500
5	Ventura	\$—125,000
6	Yolo	\$—25,000
7	Yuba	\$—12,500

8
9 ~~(b) For purposes of this section, “community recidivism and~~
10 ~~crime reduction service provider” means a nongovernmental entity~~
11 ~~or a consortium or coalition of nongovernmental entities, that~~
12 ~~provides community recidivism and crime reduction services, as~~
13 ~~described in paragraph (2) of subdivision (c), to persons who have~~
14 ~~been released from the state prison, a county jail, a juvenile~~
15 ~~detention facility, who are under the supervision of a parole or~~
16 ~~probation department, or any other person at risk of becoming~~
17 ~~involved in criminal activities.~~

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

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

29 ~~(A) Self-help groups.~~

30 ~~(B) Individual or group assistance with basic life skills.~~

31 ~~(C) Mentoring programs.~~

32 ~~(D) Academic and educational services, including, but not~~
33 ~~limited to, services to enable the recipient to earn his or her high~~
34 ~~school diploma.~~

35 ~~(E) Job training skills and employment.~~

36 ~~(F) Truancy prevention programs.~~

37 ~~(G) Literacy programs.~~

38 ~~(H) Any other service that advances community recidivism and~~
39 ~~crime reduction efforts, as identified by the county board of~~
40 ~~supervisors and the Community Corrections Partnership.~~

1 ~~(f) Individual or group assistance with referrals for any of the~~
2 ~~following:~~

- 3 ~~(i) Mental and physical health assessments.~~
- 4 ~~(ii) Counseling services.~~
- 5 ~~(iii) Education and vocational programs.~~
- 6 ~~(iv) Employment opportunities.~~
- 7 ~~(v) Alcohol and drug treatment.~~
- 8 ~~(vi) Health, wellness, fitness, and nutrition programs and~~
9 ~~services.~~
- 10 ~~(vii) Personal finance and consumer skills programs and~~
11 ~~services.~~
- 12 ~~(viii) Other personal growth and development programs to~~
13 ~~reduce recidivism.~~
- 14 ~~(ix) Housing assistance.~~

15 ~~(d) Pursuant to this section and upon agreement to accept~~
16 ~~funding from the Recidivism Reduction Fund, the board of~~
17 ~~supervisors, in collaboration with the county's Community~~
18 ~~Corrections Partnership, shall grant funds allocated to the county,~~
19 ~~as described in subdivision (a), to community recidivism and crime~~
20 ~~reduction service providers based on the needs of their community.~~

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

26 ~~(A) One hundred thousand dollars (\$100,000) in a county with~~
27 ~~a population of over 4,000,000 people.~~

28 ~~(B) Fifty thousand dollars (\$50,000) in a county with a~~
29 ~~population of 700,000 or more people but less than 4,000,000~~
30 ~~people.~~

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

33 ~~(D) Ten thousand dollars (\$10,000) in a county with a population~~
34 ~~of less than 400,000 people.~~

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

39 ~~(f) The board of supervisors, in collaboration with the county's~~
40 ~~Community Corrections Partnership, shall establish minimum~~

1 requirements, funding criteria, and procedures for the counties to
2 award grants consistent with the criteria established in this section.

3 ~~(g) A community recidivism and crime reduction service~~
4 ~~provider that receives a grant under this section shall report to the~~
5 ~~county board of supervisors or the Community Corrections~~
6 ~~Partnership on the number of individuals served and the types of~~
7 ~~services provided, consistent with paragraph (2) of subdivision~~
8 ~~(e). The board of supervisors or the Community Corrections~~
9 ~~Partnership shall report to the Board of State and Community~~
10 ~~Corrections any information received under this subdivision from~~
11 ~~grant recipients.~~

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

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

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

20 2053.1. (a) The Secretary of the Department of Corrections
21 and Rehabilitation shall implement in every state prison literacy
22 programs that are designed to ensure that upon parole inmates are
23 able to achieve the goals contained in this section. The department
24 shall prepare an implementation plan for this program, and shall
25 request the necessary funds to implement this program as follows:

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

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

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

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

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

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

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

13 (iii) Offer transferable degree-building pathways.

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

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

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

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

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

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

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

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

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

39 (iv) Determining what specific services, including, but not
40 limited to tutoring, academic counseling, library, and career

1 advising, shall be offered to ensure incarcerated students can
2 successfully complete their course of study.

3 (D) An inmate who is enrolled, pursuant to this section, in a
4 ~~full-time college program consisting of 12 semester units, or the~~
5 ~~academic quarter equivalent thereof, of credit-bearing courses~~
6 ~~leading to an associate degree or a bachelor's degree shall be~~
7 ~~deemed by the department to be assigned to~~ *degree-granting*
8 *college or university program equivalent to full-time postsecondary*
9 *enrollment, as defined by state regulations for the respective*
10 *degree, shall receive the same privileges as an inmate with a*
11 *full-time work or training assignment.*

12 (E) Subparagraph (B) does not prevent an inmate from enrolling
13 on their own, independent of the department, in a postsecondary
14 education course that does not meet the criteria specified in that
15 subparagraph.

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

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

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

27 5007.3. (a) (1) The department shall establish the California
28 Reentry and Enrichment (CARE) Grant program to provide grants
29 ~~to community-based~~ *community-based* organizations (CBOs) that
30 provide rehabilitative services to incarcerated individuals.

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

34 (A) The steering committee shall prioritize the continuation,
35 expansion, or replication of rehabilitative programs that have
36 previously demonstrated success with incarcerated individuals
37 within a correctional environment. This subparagraph does not
38 disqualify a relatively new CBO that has programming that shows
39 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~~ *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

1 not receive any compensation from another nonprofit or CBO that
2 receives a CARE grant.

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

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

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

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

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

30 (e) Each member of the steering committee shall receive one
31 hundred dollars (\$100) for each day in which that committee
32 member is engaged in the performance of official duties. The
33 performance of official duties includes all meetings, reviewing
34 draft application and scoring documents, reading and evaluating
35 grant applications, and any prison visits agreed to by the committee
36 to review grantee programs. Total compensation shall not exceed
37 five thousand dollars (\$5,000) per committee member, per year.
38 A government employee who is participating in the committee as
39 part of their job and is continuing to receive their regular salary is
40 not eligible for compensation. In addition to the compensation, all

1 members of the committee shall be reimbursed for necessary
2 traveling and other expenses incurred in the performance of official
3 duties. Any costs pursuant to this subdivision will be paid from
4 CARE grant funding appropriated in the annual Budget Act.

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

6 5068.5. (a) Notwithstanding any other law, except as provided
7 in subdivisions (b) and (c), any person employed or under contract
8 to provide diagnostic, treatment, or other mental health services
9 in the state or to supervise or provide consultation on these services
10 in the state correctional system shall be a physician and surgeon,
11 a psychologist, or other health *or mental health* professional,
12 licensed to practice in this state.

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

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

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

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

32 (B) For the purposes of this paragraph, “qualifying experience”
33 means experience that satisfies the requirements of ~~subdivision~~
34 ~~(d) of Section 2914 of, or Section 4996.23 of, Chapter 6.6~~
35 ~~(commencing with Section 2900), Chapter 13 (commencing with~~
36 ~~Section 4980), Chapter 14 (commencing with Section 4991), or~~
37 ~~Chapter 16 (commencing with Section 4999.10) of Division 2 of~~
38 ~~the Business and Professions Code.~~

39 (2) A waiver granted pursuant to this subdivision shall not
40 exceed four years from commencement of the employment in this

1 state in a position that includes qualifying experience, at which
2 time licensure shall have been obtained or the employment shall
3 be terminated, except that an extension of a waiver of licensure
4 may be granted for one additional year, based on extenuating
5 circumstances determined by the department pursuant to
6 subdivision (d). For persons employed as ~~psychologists or~~
7 *psychologists, clinical social workers, marriage and family*
8 *therapists, or professional clinical counselors* less than full time,
9 an extension of a waiver of licensure may be granted for additional
10 years proportional to the extent of part-time employment, as long
11 as the person is employed without interruption in service, but in
12 no case shall the waiver of licensure exceed *five years in the case*
13 *of psychologists or six years in the case of clinical social workers*
14 ~~or five years in the case of psychologists.~~ *workers, marriage and*
15 *family therapists, or professional clinical counselors.* However,
16 this durational limitation upon waivers shall not apply to active
17 candidates for a doctoral degree in social work, social welfare, or
18 social science who are enrolled at an accredited university, college,
19 or professional school, but these limitations shall apply following
20 completion of that training.

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

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

38 (1) The person requesting the extension has experienced a recent
39 catastrophic event that may impair the person's ability to qualify
40 for and pass the licensure examination. Those events may include,

1 but are not limited to, significant hardship caused by a natural
2 disaster; serious and prolonged illness of the person; serious and
3 prolonged illness or death of a child, spouse, or parent; or other
4 stressful circumstances.

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

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

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

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

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

32 ~~6006.5. For purposes of this chapter, the following definitions~~
33 ~~shall apply:~~

34 (a) ~~"Department" means the Department of Corrections, the~~
35 ~~Department of the Youth Authority, the Board of Prison Terms,~~
36 ~~or the Youthful Offender Parole Board.~~

37 (b) ~~"Examination or test" means methods, processes, or other~~
38 ~~means, including a chest X-ray, conducted in accordance with the~~
39 ~~recommendations of the Centers for Disease Control and~~
40 ~~Prevention and as specified in the department's guidelines for~~

1 tuberculosis control, to determine if a person has, has had, or has
2 been exposed to tuberculosis.

3 (e) “Medical evaluation” means taking a history or gathering
4 other information and may include, but is not limited to, listening
5 to the chest or other examinations or tests, as specified in the
6 department’s guidelines for tuberculosis control, used to diagnose
7 and assess the health conditions of the person.

8 (d) “Followup care” means the continued medical evaluations;
9 monitoring, or care of a person after his or her initial visit,
10 examination, or test, including, but not limited to, preventive
11 therapy.

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

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

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

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

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

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

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

1 6006.5. *For purposes of this chapter, the following definitions*
2 *shall apply:*

3 (a) *“Annual TB screening” means a yearly risk assessment to*
4 *determine the presence of tuberculosis (TB) symptoms in an*
5 *individual.*

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

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

15 (d) *“Department” means the Department of Corrections and*
16 *Rehabilitation.*

17 (e) *“Follow up care” means continued medical evaluations or*
18 *treatment of a person after their initial baseline TB screening and*
19 *testing or annual TB screening.*

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

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

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

29 ~~6007. (a) No person shall be employed initially by the~~
30 ~~department unless that person, after an offer of employment,~~
31 ~~completes an examination, a test, or a medical evaluation and is~~
32 ~~found to be free of tuberculosis in an infectious or contagious stage~~
33 ~~prior to assuming work duties.~~

34 ~~(b) As a condition of continued employment with the~~
35 ~~department, those employees who are skin-test negative shall~~
36 ~~receive an examination or test at least once a year, or more often~~
37 ~~if directed by the department, for as long as the employee remains~~
38 ~~skin-test negative. If an employee has a documented positive skin~~
39 ~~test, the employee shall have a medical evaluation to determine~~

1 the need for followup care. An employee with a positive skin test
2 shall follow the department's guidelines for tuberculosis control.

3 (e) ~~The department shall ensure that all examinations or tests~~
4 ~~and medical evaluations, as defined in subdivisions (b) and (c) of~~
5 ~~Section 6006.5, to diagnose and assess the health conditions of the~~
6 ~~person, meet the following conditions:~~

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

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

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

12 (d) ~~The examinations or tests or medical evaluations required~~
13 ~~pursuant to this chapter shall be offered by the department. The~~
14 ~~department may contract with a medical provider to administer~~
15 ~~the examinations or tests or medical evaluations. Employees who~~
16 ~~elect not to accept the department's offer shall obtain the~~
17 ~~examinations or tests or medical evaluations through their personal~~
18 ~~health care providers at no cost to the department.~~

19 ~~The requirements of this section apply to the Department of~~
20 ~~Corrections and Rehabilitation and the Board of Parole Hearings.~~
21 ~~Notwithstanding any other provision of law, each department or~~
22 ~~board shall be responsible for the costs of the testing or evaluation~~
23 ~~required by this section for its own employees or potential~~
24 ~~employees.~~

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

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

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

3 ~~(h) Nothing in this section shall prevent the department from~~
4 ~~requiring and providing more extensive or more frequent~~
5 ~~examinations or tests.~~

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

8 ~~(j) All volunteers of the department shall be required to furnish~~
9 ~~the department with a certificate prior to assuming their volunteer~~
10 ~~duties and annually thereafter, showing that the volunteer has been~~
11 ~~examined and found to be free of tuberculosis in an infectious or~~
12 ~~contagious stage.~~

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

15 ~~(l) Employees from other state agencies, including, but not~~
16 ~~limited to, the State Department of State Hospitals and the~~
17 ~~Department of Forestry and Fire Protection, who are assigned to~~
18 ~~work in an institution, as defined in subdivision (h) of Section~~
19 ~~6006.5, or who are assigned to work with inmates or wards on a~~
20 ~~regular basis, as defined in the department's guidelines, shall~~
21 ~~comply with the following requirements:~~

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

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

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

33 ~~(4) Pursue followup care for tuberculosis infection or treatment~~
34 ~~for tuberculosis disease through the appropriate programs in their~~
35 ~~agency or department.~~

36 ~~(m) The department shall offer the examinations, tests, or~~
37 ~~medical evaluations required pursuant to this chapter to employees~~
38 ~~of other state agencies or departments and may contract with a~~
39 ~~medical provider to administer the examinations, tests, or medical~~
40 ~~evaluations. Employees of other state agencies or departments who~~

1 ~~elect not to accept the department's offer shall obtain the~~
2 ~~examinations, tests, or medical evaluations from their personal~~
3 ~~health care provider at no cost to the department.~~

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

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

8 *6007. (a) A person who is employed by the department and*
9 *whose primary job functions require them to work inside an*
10 *institution shall complete baseline TB screening and testing and*
11 *shall provide a certificate to the department within seven days of*
12 *appointment to their position showing they are free of active*
13 *tuberculosis. The employee shall not be allowed to perform any*
14 *job duties within a licensed area within the institution until the*
15 *certificate has been submitted and accepted by the department.*

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

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

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

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

31 *(2) Offered at no cost to the employee.*

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

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

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

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

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

14 ~~6008. The Department of Corrections, the Department of the~~
15 ~~Youth Authority, the Board of Prison Terms, and the Youthful~~
16 ~~Offender Parole Board shall report to the State Department of~~
17 ~~Health Services the results of the tuberculosis examinations~~
18 ~~required by Section 6006.~~

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

20 6027. (a) It shall be the duty of the Board of State and
21 Community Corrections to collect and maintain available
22 information and data about state and community correctional
23 policies, practices, capacities, and needs, including, but not limited
24 to, prevention, intervention, suppression, supervision, and
25 incapacitation, as they relate to both adult corrections, juvenile
26 justice, and gang problems. The board shall seek to collect and
27 make publicly available up-to-date data and information reflecting
28 the impact of state and community correctional, juvenile justice,
29 and gang-related policies and practices enacted in the state, as well
30 as information and data concerning promising and evidence-based
31 practices from other jurisdictions.

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

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

37 (2) Identify, promote, and provide technical assistance relating
38 to evidence-based programs, practices, and promising and
39 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

1 delinquency intervention and prevention grant application process
2 in adherence with all applicable federal guidelines and mandates.

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

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

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

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

32 (11) The board shall collect from each county the plan submitted
33 pursuant to Section 1230.1 within two months of adoption by the
34 county boards of supervisors. ~~Commencing January 1, 2013, and~~
35 ~~annually thereafter, the board shall collect and analyze available~~
36 ~~data regarding the implementation of the local plans and other~~
37 ~~outcome-based measures, as defined by the board in consultation~~
38 ~~with the Administrative Office of the Courts, the Chief Probation~~
39 ~~Officers of California, and the California State Sheriffs'~~
40 ~~Association. By July 1, 2013, and annually thereafter, the board~~

1 shall provide to the Governor and the Legislature a report on the
2 implementation of the plans described above.

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

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

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

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

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

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

28 ~~6044. (a) The Council on Criminal Justice and Behavioral~~
29 ~~Health is hereby established within the Department of Corrections~~
30 ~~and Rehabilitation. The council shall be composed of 12 members,~~
31 ~~one of whom shall be the secretary of the department who shall~~
32 ~~be designated as the chairperson, one of whom shall be the Director~~
33 ~~of State Hospitals, one of whom shall be the Director of Health~~
34 ~~Care Services, and nine of whom shall be appointed. The Governor~~
35 ~~shall appoint three members, at least one of whom shall represent~~
36 ~~behavioral health. The Senate Committee on Rules shall appoint~~
37 ~~two members, one representing law enforcement and one~~
38 ~~representing behavioral health. The Speaker of the Assembly shall~~
39 ~~appoint two members, one representing law enforcement and one~~
40 ~~representing behavioral health. The Attorney General shall appoint~~

1 one member. The Chief Justice of the California Supreme Court
2 shall appoint one member who shall be a superior court judge.
3 When selecting appointments, experience with the criminal justice
4 or behavioral health systems, or both, either personally, as a family
5 member, or as a caregiver, is encouraged.

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

8 (c) The Director of State Hospitals and the Director of Health
9 Care Services shall serve as the liaison to the California Health
10 and Human Services Agency and any departments within that
11 agency necessary to further the purposes of this article.

12 (d) Members of the council shall receive no compensation, but
13 shall be reimbursed for actual and necessary travel expenses
14 incurred in the performance of their duties. For purposes of
15 compensation, attendance at meetings of the board shall be deemed
16 performance by a member of the duties of his or her state or local
17 government employment.

18 (e) The goal of the council shall be to investigate and promote
19 cost-effective approaches to meeting the long-term needs of adults
20 and juveniles with behavioral health disorders who are likely to
21 become offenders or who have a history of offending. The council
22 shall:

23 (1) Identify strategies for preventing adults and juveniles with
24 behavioral health needs from becoming offenders.

25 (2) Identify strategies for improving the cost-effectiveness of
26 services for adults and juveniles with behavioral health needs who
27 have a history of offending.

28 (3) Identify incentives to encourage state and local criminal
29 justice, juvenile justice, and behavioral health programs to adopt
30 cost-effective approaches for serving adults and juveniles with
31 behavioral health needs who are likely to offend or who have a
32 history of offending.

33 (f) The council shall consider strategies that:

34 (1) Improve service coordination among state and local
35 behavioral health, criminal justice, and juvenile justice programs.

36 (2) Improve the ability of adult and juvenile offenders with
37 behavioral health needs to transition successfully between
38 corrections-based, juvenile justice-based, and community-based
39 treatment programs.

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

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

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

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

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

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

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.

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

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

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

29 (d) The Inspector General shall, during the course of an audit
30 or review, identify areas of full and partial compliance, or
31 noncompliance, with departmental policies and procedures, specify
32 deficiencies in the completion and documentation of processes,
33 and recommend corrective actions, including, but not limited to,
34 additional training, additional policies, or changes in policy, as
35 well as any other findings or recommendations that the Inspector
36 General deems appropriate.

37 (e) The Inspector General, pursuant to Section 6126.6, shall
38 review the Governor's candidates for appointment to serve as
39 warden for the state's adult correctional institutions and as
40 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 conduct an objective, metric-oriented oversight and inspection program to periodically review delivery of the reforms identified in the document released by the Department of Corrections and Rehabilitation in April 2012, entitled The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System (the blueprint), including, but not limited to, the following specific goals and reforms described by the blueprint:~~

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

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

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

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

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

~~(h)~~

(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.

(i)

(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

1 ability to initiate an audit or review pursuant to subdivision (a).
2 The contemporaneous oversight shall be completed in a way that
3 does not unnecessarily slow the department's review and
4 investigation of inmate allegations of staff misconduct and other
5 specialty grievances. The Inspector General shall issue reports
6 annually, beginning in 2021.

7 (j)

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

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

11 6126.3. (a) The Inspector General shall not destroy any papers
12 or memoranda used to support a completed review within three
13 years after a report is released.

14 (b) Except as provided in subdivision (c), all books, papers,
15 records, and correspondence of the office pertaining to its work
16 are public records subject to Division 10 (commencing with Section
17 7920.000) of Title 1 of the Government Code and shall be filed at
18 any of the regularly maintained offices of the Inspector General.

19 (c) The following books, papers, records, and correspondence
20 of the Office of the Inspector General pertaining to its work are
21 not public records subject to Division 10 (commencing with
22 Section 7920.000) of Title 1 of the Government Code, nor shall
23 they be subject to discovery pursuant to any provision of Title 3
24 (commencing with Section 1985) of Part 4 of the Code of Civil
25 Procedure or Chapter 7 (commencing with Section 19570) of Part
26 2 of Division 5 of Title 2 of the Government Code in any manner:

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

38 (2) Any papers, correspondence, memoranda, electronic
39 communications, or other documents pertaining to any audit or
40 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 (i) or (j) (h) or (i) of Section 6126.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 ~~6141. The California Rehabilitation Oversight Board shall meet~~
3 ~~at least twice annually, and shall regularly examine the various~~
4 ~~mental health, substance abuse, educational, and employment~~
5 ~~programs for incarcerated persons and parolees operated by the~~
6 ~~Department of Corrections and Rehabilitation. The board shall~~
7 ~~examine the department's effort to assist incarcerated persons and~~
8 ~~parolees to obtain postrelease health care coverage. The board~~
9 ~~shall also examine efforts to address the housing needs of~~
10 ~~incarcerated persons, including those who are identified as having~~
11 ~~serious mental health needs, who are released to the community~~
12 ~~as parolees. The board shall report to the Governor and the~~
13 ~~Legislature annually, on October 15, and may submit other reports~~
14 ~~during the year if it finds they are necessary. The reports shall~~
15 ~~include, but are not limited to, findings on the effectiveness of~~
16 ~~treatment efforts, rehabilitation needs of incarcerated persons, gaps~~
17 ~~in rehabilitation services in the department, levels of incarcerated~~
18 ~~person participation and success in the programs, data indicating~~
19 ~~the number of parolees who are experiencing homelessness, and~~
20 ~~the number of those parolees experiencing homelessness who have~~
21 ~~previously been identified as having serious mental health needs.~~
22 ~~The board shall also make recommendations to the Governor and~~
23 ~~the Legislature with respect to modifications, additions, and~~
24 ~~eliminations of rehabilitation and treatment programs. In~~
25 ~~performing its duties, the board shall use the work products~~
26 ~~developed for the department as a result of the provisions of the~~
27 ~~2006 Budget Act, including Provision 18 of Item 5225-001-0001.~~

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

30
31 *Article 2.45. Tribal Police Pilot Program*
32

33 *11073. (a) The Tribal Police Pilot Program is hereby*
34 *established to operate from July 1, 2026, until July 1, 2029, under*
35 *the direction of the Department of Justice and the Commission on*
36 *Peace Officer Standards and Training.*

37 *(b) Notwithstanding any contrary provision of law, any qualified*
38 *entity may notify the department that they wish to enroll in the*
39 *pilot program and, upon verification by the department, in*
40 *coordination with the commission, that the entity has complied*

1 *with the requirements prescribed in subdivision (d), any qualified*
2 *member of that entity shall be deemed a peace officer as provided*
3 *in Section 830.83.*

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

10 *(2) A qualified member is subject to the requirements of Sections*
11 *13500 to 13519.15, inclusive, of this code, Sections 1029, 1030,*
12 *1031, and 1031.4 of the Government Code, and any regulations*
13 *adopted thereto.*

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

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

21 *(1) Enact and maintain in continuous force a tribal law or*
22 *resolution expressing their intent that tribal officers participating*
23 *in this pilot program be California peace officers, and that the*
24 *qualified entity be similarly situated to a California local law*
25 *enforcement agency employing California peace officers, and*
26 *adopting any requirements prescribed by this section and Sections*
27 *830.83 and 832.55.*

28 *(2) Adopt and maintain in continuous force for a period of no*
29 *less than three years after the conclusion of the pilot program,*
30 *tribal law that provides public access to records, and related*
31 *procedures and remedies substantively identical to the California*
32 *Public Records Act (Division 10 (commencing with Section*
33 *7920.000) of Title 1 of the Government Code) as to any record*
34 *related to this pilot program. Such records include, without*
35 *limitation, any record related to conduct specified in Section 832.7*
36 *by a person designated as a peace officer pursuant to this program,*
37 *including any administrative record of the tribe specifically related*
38 *to such conduct.*

39 *(3) Adopt and maintain in continuous force tribal law that*
40 *provides procedures and remedies substantively identical to the*

1 *Government Claims Act (Division 3.6 (commencing with Section*
2 *810) of Title 1 of the Government Code) for any claim arising from*
3 *any actions or omissions of a tribal police officer acting as a*
4 *California peace officer pursuant to this program.*

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

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

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

26 *(C) An express acknowledgment of the Attorney General's*
27 *inherent authority over the peace officers and law enforcement*
28 *agencies of the state pursuant to Section 13 of Article V of the*
29 *California Constitution and a grant of authority over tribal law*
30 *enforcement agencies to the Attorney General for the duration of*
31 *the pilot program or later if there is an ongoing inspection, audit,*
32 *review, or investigation.*

33 *(D) An express agreement that the qualified entity and its*
34 *officers, employees, and other agents shall cooperate with any*
35 *inspections, audits, and investigations by the Department of Justice*
36 *or the Commission on Peace Officer Standards and Training in*
37 *connection with the qualified entity's participation in this pilot*
38 *program, including any sanction or discipline imposed by the*
39 *department or commission, up to and including removal of the*
40 *qualified entity from the pilot program described in this section.*

1 *This section shall not limit the Attorney General's authority*
2 *pursuant to Section 52.3 of the Civil Code and Article 2*
3 *(commencing with Section 11180) of Chapter 2 of Part 1 of*
4 *Division 3 of Title 2 of the Government Code to investigate a tribal*
5 *law enforcement agency participating in this pilot program or to*
6 *prosecute any action resulting from their participation.*

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

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

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

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

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

24 *(8) Comply with all applicable provisions of Sections 13012,*
25 *13020 to 13023, inclusive, 13730, 13777, and 13519.4 of this code,*
26 *Sections 7284.6, 12525, 12525.2, and 12525.5 of the Government*
27 *Code, and any implementing regulations thereof, and all applicable*
28 *remedies.*

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

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

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

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

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

6 (g) Any criminal charge resulting from a custodial arrest made
7 by, or citation issued by, a peace officer designated pursuant to
8 this program, while exercising the authority granted by Section
9 830.83, shall be within the jurisdiction of the courts of the State
10 of California.

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

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

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

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

34 (2) A qualified entity may terminate their participation in the
35 pilot program at will, however, the requirements of paragraphs
36 (2), (3), and (4) of subdivision (d) shall remain in effect.

37 (3) The Department of Justice, in coordination with the
38 Commission on Peace Officer Standards and Training, may
39 suspend or terminate a qualified entity's participation in the

1 *program for gross misconduct or for willful or persistent failure*
2 *to comply with the requirements of this article.*

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

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

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

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

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

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

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

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

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

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

8 (3) “Qualified entity” means any of the three federally
9 recognized tribes to be selected by the department, provided that
10 those tribes elect to participate. In selecting the tribes, the
11 department shall consider selecting tribes of different sizes from
12 different parts of the state, as well as a tribe’s access to public
13 safety resources.

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

20 11073.5. This article shall remain in effect only until January
21 1, 2032, and as of that date is repealed.

22 11073.6. This article shall become operative only upon an
23 appropriation of funds by the Legislature for the purposes of this
24 article.

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

27 209. (a) (1) The judge of the juvenile court of a county, or, if
28 there is more than one judge, any of the judges of the juvenile
29 court shall, at least annually, inspect any jail, juvenile hall, lockup,
30 special purpose juvenile hall, camp, ranch, or secure youth
31 treatment facility situated in this state that, in the preceding
32 calendar year, was used for confinement, for more than 24 hours,
33 of any juvenile.

34 (2) The judge shall promptly notify the operator of the jail,
35 juvenile hall, lockup, special purpose juvenile hall, camp, ranch,
36 or secure youth treatment facility of any observed noncompliance
37 with minimum standards for juvenile facilities adopted by the
38 Board of State and Community Corrections under Sections 210,
39 875, 885, and subdivision (e) of Section 207.1. Based on the
40 facility’s subsequent compliance with the provisions of

1 subdivisions (d) and (e), the judge shall thereafter make a finding
2 whether the facility is a suitable place for the confinement of
3 juveniles and shall note the finding in the minutes of the court.

4 (3) (A) The Board of State and Community Corrections shall
5 ~~conduct~~ *conduct, at a minimum*, a biennial inspection of each jail,
6 juvenile hall, lockup, special purpose juvenile hall, camp, ranch,
7 or secure youth treatment facility situated in this state that, during
8 the preceding calendar year, was used for confinement, for more
9 than 24 hours, of any juvenile. The board shall promptly notify
10 the operator of any jail, juvenile hall, lockup, special purpose
11 juvenile hall, camp, ranch, or secure youth treatment facility of
12 any noncompliance found, upon inspection, with any of the
13 minimum standards for juvenile facilities adopted by the Board of
14 State and Community Corrections under Section 210, 210.2, 875,
15 885, or subdivision (e) of Section 207.1.

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

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

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

36 (b) (1) The Board of State and Community Corrections may
37 inspect any law enforcement facility that contains a lockup for
38 adults and that it has reason to believe may not be in compliance
39 with the requirements of subdivision (b) of Section 207.1 or with
40 the certification requirements or standards adopted under Section

1 210.2. A judge of the juvenile court shall conduct an annual
2 inspection, either in person or through a delegated member of the
3 appropriate county or regional juvenile justice commission, of any
4 law enforcement facility that contains a lockup for adults that, in
5 the preceding year, was used for the secure detention of any
6 juvenile. If the law enforcement facility is observed, upon
7 inspection, to be out of compliance with the requirements of
8 subdivision (b) of Section 207.1, or with any standard adopted
9 under Section 210.2, the board or the judge shall promptly notify
10 the operator of the law enforcement facility of the specific points
11 of noncompliance.

12 (2) If either the judge or the board finds after inspection that
13 the facility is not being operated and maintained in conformity
14 with the requirements of subdivision (b) of Section 207.1 or with
15 the certification requirements or standards adopted under Section
16 210.2, the juvenile court or the board shall give notice of its finding
17 to all persons having authority to securely detain juveniles in the
18 facility, and, commencing 60 days thereafter, the facility shall not
19 be used for the secure detention of a juvenile until the time the
20 judge or the board, as the case may be, finds, after reinspection,
21 that the conditions that rendered the facility unsuitable have been
22 remedied, and the facility is a suitable place for the confinement
23 of juveniles in conformity with all requirements of law.

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

28 (c) The board shall collect biennial data on the number, place,
29 and duration of confinements of juveniles in jails and lockups, as
30 defined in subdivision (g) of Section 207.1, and shall publish
31 biennially this information in the form as it deems appropriate for
32 the purpose of providing public information on continuing
33 compliance with the requirements of Section 207.1.

34 (d) (1) Except as provided in subdivision (e), a juvenile hall,
35 special purpose juvenile hall, camp, ranch, secure youth treatment
36 facility, law enforcement facility, or jail shall be unsuitable for the
37 confinement of juveniles if it is not in compliance with one or
38 more of the minimum standards for juvenile facilities adopted by
39 the Board of State and Community Corrections under Section 210,
40 210.2, 875, 885, or subdivision (e) of Section 207.1, and if, within

1 60 days of having received notice of noncompliance from the board
2 or the judge of the juvenile court, the juvenile hall, special purpose
3 juvenile hall, camp, ranch, secure youth treatment facility, law
4 enforcement facility, or jail has failed to file an approved corrective
5 action plan with the Board of State and Community Corrections
6 to correct the condition or conditions of noncompliance of which
7 it has been notified. ~~The~~

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

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

34 (3) *In the event the juvenile hall, special purpose juvenile hall,*
35 *camp, ranch, secure youth treatment facility, law enforcement*
36 *facility, or jail fails to meet its commitment to resolve*
37 *noncompliance issues outlined in its corrective action plan, the*
38 *board shall make a determination of suitability at its next scheduled*
39 *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.

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

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

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

12 (3) “Subject to the jurisdiction of the juvenile court” means a
13 person alleged or found to be subject to Section 601, 602, 607, or
14 875.

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

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

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

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

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

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

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

3 4361. (a) As used in this section, “department” means the State
4 Department of State Hospitals.

5 (b) The purpose of this chapter is to, subject to appropriation
6 by the Legislature, promote the diversion of individuals with
7 serious mental disorders as prescribed in Chapter 2.8A
8 (commencing with Section 1001.35) of Title 6 of Part 2 of the
9 Penal Code, and to assist counties in providing diversion for
10 individuals with serious mental illnesses who have been found
11 incompetent to stand trial for a felony charge. In implementing
12 this chapter, the department shall consider local discretion and
13 flexibility in diversion activities that meet the community’s needs
14 and provide for the safe and effective treatment of individuals with
15 serious mental disorders across a continuum of care.

16 (c) (1) Subject to appropriation by the Legislature, the
17 department may solicit proposals from, and may contract with, a
18 county to help fund the development or expansion of pretrial
19 diversion described in Chapter 2.8A (commencing with Section
20 1001.35) of Title 6 of Part 2 of the Penal Code, for the population
21 described in subdivision (b) and that meets all of the following
22 criteria:

23 (A) Participants are individuals diagnosed with a mental disorder
24 as identified in the most recent edition of the Diagnostic and
25 Statistical Manual of Mental Disorders, including, but not limited
26 to, bipolar disorder, schizophrenia, and schizoaffective disorder,
27 but excluding a primary diagnosis of antisocial personality disorder,
28 borderline personality disorder, and pedophilia, and who are
29 presenting non-substance-induced psychotic symptoms, who have
30 been found incompetent to stand trial pursuant to clause (v) of
31 subparagraph (C) of paragraph (1) of subdivision (a) of Section
32 1370 of the Penal Code.

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

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

39 (2) A county submitting a proposal for funding under this
40 chapter shall designate a lead entity to apply for the funds. This

1 lead entity shall show in its proposal that it has support from other
2 county entities or other relevant entities, including courts, that are
3 necessary to provide successful diversion of individuals under the
4 contract.

5 (d) When evaluating proposals from the county, the department,
6 ~~in consultation with the Council on Criminal Justice and Behavioral~~
7 ~~Health within the Department of Corrections and Rehabilitation,~~
8 department shall prioritize proposals that demonstrate all of the
9 following:

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

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

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

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

34 (f) The department may also provide funding in the contract
35 with the county, subject to appropriation by the Legislature, to
36 cover the cost of in-jail treatment prior to the placement in the
37 community for up to an average of 15 days for defendants who
38 have been approved by the court for diversion as included in the
39 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.

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

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

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

13 (j) (1) Beginning July 1, 2021, subject to appropriation by the
14 Legislature, the department may amend contracts with a county
15 to fund the expansion of an existing department-funded pretrial
16 diversion as described in Chapter 2.8A (commencing with Section
17 1001.35) of Title 6 of Part 2 of the Penal Code, for the population
18 described in subdivision (b) and that meets both of the following
19 criteria:

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

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

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

29 (k) Notwithstanding Chapter 3.5 (commencing with Section
30 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
31 the state hospitals and the department may implement, interpret,
32 or make specific this section by means of a departmental letter or
33 other similar instruction, as necessary.

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

39 (m) If the defendant is committed directly to a county program
40 in lieu of commitment to the department, counties shall provide

1 the minute order from the court documenting the incompetent to
2 stand trial finding on a felony charge and the original alienist
3 evaluation associated with that finding.

4 (n) For department-funded diversion programs funded through
5 appropriations made by the Budget Act of 2018 or new county
6 programs funded through the Budget Act of 2021, participants in
7 those county programs may include individuals diagnosed with
8 schizophrenia, schizoaffective disorder, or bipolar disorder, who
9 are likely to be found incompetent to stand trial for felony charges,
10 pursuant to Section 1368 of the Penal Code, or who have been
11 found incompetent to stand trial pursuant to clause (v) of
12 subparagraph (C) of paragraph (1) of subdivision (a) of Section
13 1370 of the Penal Code, until new funds are dispersed to the
14 county. Counties shall continue to comply with all terms of the
15 contract signed with the department, including matching fund and
16 data reporting requirements.

17 *SEC. 24. The sum of five million dollars (\$5,000,000) is hereby*
18 *appropriated for the 2025–26 fiscal year from the General Fund*
19 *to the Department of Justice, and shall be available for*
20 *encumbrance or expenditure until June 30, 2030, for purposes of*
21 *administering the Tribal Police Pilot Program pursuant to Article*
22 *2.45 (commencing with Section 11073) of Chapter 1 of Title 1 of*
23 *Part 4 of the Penal Code.*

24 *SEC. 25. This act is a bill providing for appropriations related*
25 *to the Budget Bill within the meaning of subdivision (e) of Section*
26 *12 of Article IV of the California Constitution, has been identified*
27 *as related to the budget in the Budget Bill, and shall take effect*
28 *immediately.*

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