

Department of Corrections and rehabilitation

BUDGET NO. 5225

REPORT NO. 1

GOVERNMENT CODE

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]

(Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]

(Division 3 added by Stats. 1945, Ch. 111.)

PART 10b. STATE BUILDING CONSTRUCTION [15800. - 15849.38.]

(Part 10b added by Stats. 1955, Ch. 1686.)

CHAPTER 3.1. Lease-Purchase Financing of Prison Construction [15819.1. - 15819.30.]

(Chapter 3.1 repealed and added by Stats. 1985, Ch. 932, Sec. 2.)

15819.8.

At least 20 days prior to marketing bonds authorized by this chapter, the Department of Corrections shall notify the chairpersons of the fiscal committees in each house of the Legislature, the Chairpersons of the Assembly Committee on Public Safety and the Senate Committee on Criminal Procedure, the Chairperson and the Vice Chairperson of the Joint Legislative Budget Committee, and the Chairperson of the Joint Legislative Committee on Prison Construction and Operation of the general parameters of the proposed sale, including the size and terms of the issue, the anticipated debt service requirements, and any other significant factors affecting the sale. This paragraph does not apply to the marketing of bonds for lease-purchase financing of the California State Prison—Corcoran.

The Department of Corrections shall report to each of these persons on a quarterly basis following the sale of the bonds on the progress of any acquisition or construction financed by the sale and on the then current debt service requirements.

(Amended by Stats. 1996, Ch. 155, Sec. 2. Effective July 12, 1996.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-842	Committee on Criminal Procedure	Senate Committee on Criminal Procedure.	Chaptered 07/12/1996		-		

COMMENTS/RECOMMENDATIONS: According to the Department of Corrections and Rehabilitation, CDCR is no longer the proper source for information regarding bond sales, as details regarding anticipated debt service and terms of the sale are more appropriately provided by the State Treasurer’s Office and the State Public Works Board. The department also asserts that the information is already contained in the Capital Outlay Quarterly Report and the Master Plan Annual Report required by Section 7003.5 of the Penal Code.

However, CDCR is also proposing to eliminate Section 7003.5 of the Penal Code. Because of a number of these inconsistencies, the Legislature may want to review the full text of proposed language from the Administration before moving forward with elimination. Upon reviewing documents, on August 3, CDCR communicated via the Administration that they want to delete 7003.5 from the proposed elimination list.

REPORT NO. 2

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 11. Master Plan Construction [7000. - 7050.]

(Chapter 11 added by Stats. 1981, Ch. 540, Sec. 6.)

7003.

For each facility or project included within its master plan, at least 30 days prior to submission of preliminary plans to the State Public Works Board, the department shall submit to the Joint Legislative Budget Committee all of the following:

- (a) A preliminary plan submittal package, as defined by the State Administrative Manual.
- (b) An estimate of the annual operating costs of the facility.
- (c) A staffing plan for the operation of the facility.
- (d) A plan for providing medical, mental health, and dental care to inmates.
- (e) A plan for inmate programming at the facility, including education, work, and substance abuse programming.

If the committee fails to take any action with respect to the submitted plans within 45 days after submittal, this inaction shall be deemed to be approval for purposes of this section.

[\(Amended by Stats. 2007, Ch. 7, Sec. 18. Effective May 3, 2007.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX2-17	Committee on Correctional Policy and Fiscal Issues	Prisons: additional capacity: financing.	Amended Assembly 08/30/2006	11/30/2006 - Died on third reading file.	-	Yes	Two Thirds
AB-900	Solorio, Aghazarian	Prisons: construction.	Chaptered 05/03/2007	05/03/2007 - Chaptered by Secretary of State - Chapter 7, Statutes of 2007.	Secretary of State - State-Chaptered	Yes	Two Thirds
SBX2-10	Machado	Prisons: additional capacity: financing.	Amended Senate 08/30/2006	08/30/2006 - In Assembly. Read first time. Held at Desk. 08/30/2006 - Art. IV, Section 8(b), of the Constitution dispensed with. Unanimous consent to take up	-	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				<p>without reference to file. Read third time. Motions by Senator Romero to lay on table amendments by Senators Denham (Ayes 23. Noes 13. Page 32.) and Cox (Ayes 23. Noes 14. Page 32.) adopted. Urgency clause adopted. Passed. (Ayes 27. Noes 11. Page 35.) To Assembly.</p> <p>08/30/2006 - From committee: Do pass as amended. (Ayes 10. Noes 2. Page 38.) Read second time. Amended. To third reading.</p>			

COMMENTS/RECOMMENDATIONS: The Legislative Analyst's Office recommends retaining this reporting requirement because the report contains valuable information on the operational impact of construction projects and removing the report would reduce Legislative control and oversight.

REPORT NO. 3

GOVERNMENT CODE

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]

(Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]

(Division 3 added by Stats. 1945, Ch. 111.)

PART 10b. STATE BUILDING CONSTRUCTION [15800. - 15849.38.]

(Part 10b added by Stats. 1955, Ch. 1686.)

CHAPTER 3.2.1. Revenue Bond Financing of Prison Construction—Phase I [15819.40. - 15819.404.]

(Chapter 3.2.1 added by Stats. 2007, Ch. 7, Sec. 2.)

15819.40.

(a) (1) (A) The Department of Corrections and Rehabilitation may design and construct new, or renovate existing, housing units, support buildings, programming space, and any necessary ancillary improvements in order to add capacity at facilities under its jurisdiction. The department shall complete site assessments at facilities at which it intends to construct or renovate additional housing units, support buildings, programming space, or ancillary improvements. The department may use the funding provided in Section 28 of Chapter 7 of the Statutes of 2007 to complete these site assessments.

(B) The authority contained in subparagraph (A) may be used to develop new beds including appropriate programmatic space pursuant to paragraph (2) and, together with the funds appropriated in Section 15819.403 for this purpose, shall constitute the scope of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 or Section 13332.19 as described in Section 15819.401.

(2) Any new beds constructed pursuant to this section shall be supported by rehabilitative programming for inmates, including, but not limited to, education, vocational programs, substance abuse treatment programs, employment programs, and prerelease planning.

(3) The authority contained in this subdivision may be used to develop beds and treatment space to serve inmates requiring mental health or medical services. Any beds developed with a medical or mental health purpose shall be supported with rehabilitative programming, as defined in paragraph (2), that is consistent with the medical or mental health services required by the inmates.

(b) The Department of Corrections and Rehabilitation is authorized to design and construct new, or renovate existing, buildings and any necessary ancillary improvements, at facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing and, together with the funds appropriated in Section 15819.403 for this purpose, this shall constitute the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 or Section 13332.19 as described in Section 15819.401.

(c) (1) The scope and cost of each project authorized by this chapter shall be established individually by the board. The amount of the total appropriations in Section 15819.403 that is necessary for each project shall be allocated to each project. The appropriations may be allocated based on current estimates. These allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously tracked and reported. Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the

total applicable capital outlay appropriation in Section 15819.403 and applied to each project allocation as necessary.

(2) Concurrent with the request to the board to establish each project in the Health Care Facility Improvement Program, the department shall report the associated scope, cost, and schedule information to the Joint Legislative Budget Committee.

(3) The reporting requirements set forth in Sections 7000 to 7003.5, inclusive, of the Penal Code shall apply separately to each project authorized pursuant to this chapter.

(Amended by Stats. 2012, Ch. 42, Sec. 1. Effective June 27, 2012.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX2-2	Spitzer, Bermudez	Correctional facilities: revenue bonds.	Introduced 08/07/2006	08/21/2006 - Referred to Com. on C.P. & F.I.	-	Yes	Two Thirds
ABX2-4	Parra, Bermudez, Spitzer	Correctional facilities: revenue bonds.	Introduced 08/08/2006	08/21/2006 - Referred to Com. on C.P. & F.I.	-	Yes	Two Thirds
ABX1-10	Committee on Budget	Prison facilities: construction.	Enrolled 12/18/2008	01/06/2009 - Vetoed by Governor.	Assembly-Vetoed	Yes	Two Thirds
AB-552	Solorio	Correctional facilities.	Chaptered 06/03/2010	06/03/2010 - Chaptered by Secretary of State - Chapter 22, Statutes of 2010.	Secretary of State-Chaptered	Yes	Two Thirds
AB-900	Solorio, Aghazarian	Prisons: construction.	Chaptered 05/03/2007	05/03/2007 - Chaptered by Secretary of State - Chapter 7, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
AB-1482	Committee on Budget	Correctional facilities.	Amended Senate 06/25/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
SBX2-1	Runner	Correctional facilities: revenue bonds.	Introduced 08/08/2006	08/10/2006 - Withdrawn from committee. Re-referred to Com. on B. & F.R.	-	Yes	Two Thirds
SBX2-3	Battin	Correctional facilities: revenue bonds.	Introduced 08/10/2006	08/10/2006 - Introduced. Read first time. To Com. on B. &	-	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				F.R.			
SBX3-14	Ducheny	Prison facilities: construction.	Chaptered 02/20/2009	02/20/2009 - Chaptered by Secretary of State. Chapter 16, Statutes of 2009-10 Third Extraordinary Session.	Secretary of State-Chaptered	Yes	Two Thirds
SB-81	Committee on Budget and Fiscal Review	Corrections.	Chaptered 08/24/2007	08/24/2007 - Chaptered by Secretary of State. Chapter 175, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
SB-549		Correctional facilities: Youth.	Chaptered 09/18/1990		-		
SB-904	Costa	Prisons: construction: Kern County.	Introduced 02/25/1999	02/01/2000 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	Yes	Two Thirds
SB-1022	Committee on Budget and Fiscal Review	Correctional facilities.	Enrolled 06/28/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 42, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority
SB-1559	Steinberg	Prisons.	Introduced 02/22/2008	11/30/2008 - From committee without further action.	Senate-Died - Rules	No	Majority
SB-1705	Runner	Correctional facilities.	Amended Senate 08/13/2008	11/30/2008 - From committee without further action.	Senate-Died - Public Safety	Yes	Two Thirds

COMMENTS/RECOMMENDATIONS: The Legislative Analyst's Office recommends retaining this reporting requirement because removing it would reduce the Legislature's control and oversight over AB 900 construction projects.

REPORT NO. 4

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 1. IMPRISONMENT OF MALE PRISONERS IN STATE PRISONS [2000. - 3105.]

(Title 1 repealed and added by Stats. 1941, Ch. 106.)

CHAPTER 8. Length of Term of Imprisonment and Paroles [3000. - 3089.]

(Heading of Chapter 8 renumbered from Chapter 7 by Stats. 1941, Ch. 893.)

ARTICLE 3. Discharge Upon Completion of Term [3040. - 3073.1.]

(Article 3 added by Stats. 1941, Ch. 106.)

3050.

(a) Notwithstanding any other provision of law, any inmate under the custody of the Department of Corrections and Rehabilitation who is not currently serving and has not served a prior indeterminate sentence or a sentence for a violent felony, a serious felony, or a crime that requires him or her to register as a sex offender pursuant to Section 290, who has successfully completed an in prison drug treatment program, upon release from state prison, shall, whenever possible, be entered into a 150-day residential aftercare drug treatment program sanctioned by the department.

(b) As a condition of parole, if the inmate successfully completes 150 days of residential aftercare treatment, as determined by the Department of Corrections and Rehabilitation and the aftercare provider, the parolee shall be discharged from parole supervision at that time.

(c) Commencing with 2008, the department shall report annually to the Joint Legislative Budget Committee and the State Auditor on the effectiveness of these provisions, including recidivism rates.

[\(Added by renumbering Section 2933.4 by Stats. 2009, 3rd Ex. Sess., Ch. 28, Sec. 42. Effective January 25, 2010.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1965	Swanson	Prisoners: early release.	Amended Assembly 03/24/2008	11/30/2008 - From committee without further action pursuant to Joint Rule 62(a).	Assembly-Died - Public Safety	Yes	Two Thirds

COMMENTS/RECOMMENDATIONS: According to CDCR, the report is no longer useful as it was specifically required for the purposes of evaluating incentives for a program in SB 1453 (Chapter 875, Statutes of 2006). CDCR asserts that since the enactment of that bill, non-revocable parole and realignment make it "difficult" to evaluate this program.

REPORT NO. 5

PENAL CODE

PART 2. OF CRIMINAL PROCEDURE [681. - 1620.]

(Part 2 enacted 1872.)

TITLE 7. OF PROCEEDINGS AFTER THE COMMENCEMENT OF THE TRIAL AND BEFORE JUDGMENT

[1065. -1188.]

(Title 7 enacted 1872.)

CHAPTER 4.8. Pregnant and Parenting Women's Alternative Sentencing Program Act [1174. - 1174.9.]

(Chapter 4.8 added by Stats. 1994, Ch. 63, Sec. 2.)

1174.7.

The department shall report the status of this program to the Legislature on or before January 1, 1996, and each year thereafter.

(Added by Stats. 1994, Ch. 63, Sec. 2. Effective May 9, 1994.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-519		Sentencing: Pregnant and Parenting Women's Alternative Sentencing Program Act.	Chaptered 05/09/1994		-		

COMMENTS/RECOMMENDATIONS:

According to CDCR, realignment and alternative custody programs make this reporting requirement outdated.

REPORT NO. 6

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 2. IMPRISONMENT OF FEMALE PRISONERS IN STATE INSTITUTIONS [3200. - 3430.]

(Title 2 repealed and added by Stats. 1941, Ch. 106.)

CHAPTER 5. Gender Responsive Programs [3430. - 3430.]

(Chapter 5 added by Stats. 2007, Ch. 706, Sec. 1.)

3430.

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

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

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

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

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

(2) Develop programs and training for department staff in correctional facilities.

(d) Create a gender responsive female classification system.

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

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

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

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

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

(Added by Stats. 2007, Ch. 706, Sec. 1. Effective January 1, 2008.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-76	Lieber	Corrections: female inmates.	Chaptered 10/14/2007	10/14/2007 - Chaptered by Secretary of State - Chapter 706, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
AB-658	Liu	Women inmates.	Amended Assembly 03/30/2005	01/31/2006 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
AB-2917	Liu, Goldberg, Lieber	Inmates: female offenders.	Enrolled 09/11/2006	09/29/2006 - Vetoed by Governor.	-	Yes	Majority
SB-617	Speier	Women prisoners.	Amended Senate 05/04/2005	01/31/2006 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	No	Majority

COMMENTS/RECOMMENDATIONS:

According to CDCR, this was a one-time reporting requirement that was completed. Note that there are two plans described in this section as well as other mandates, so the Legislature may want to see language from the Administration before moving forward with elimination.

REPORT NO. 7

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 1. The Department of Corrections and Rehabilitation [5000. - 5032.]

(Heading of Chapter 1 amended by Stats. 2005, Ch. 10, Sec. 31.)

5023.2. (b)

(a) In order to promote the best possible patient outcomes, eliminate unnecessary medical and pharmacy costs, and ensure consistency in the delivery of health care services, the department shall maintain a statewide utilization management program that shall include, but not be limited to, all of the following:

- (1) Objective, evidence-based medical necessity criteria and utilization guidelines.
- (2) The review, approval, and oversight of referrals to specialty medical services.
- (3) The management and oversight of community hospital bed usage and supervision of health care bed availability.
- (4) Case management processes for high medical risk and high medical cost patients.
- (5) A preferred provider organization (PPO) and related contract initiatives that improve the coverage, resource allocation, and quality of contract medical providers and facilities.

(b) The department shall develop and implement policies and procedures to ensure that all adult prisons employ the same statewide utilization management program established pursuant to subdivision (a) that supports the department's goals for cost-effective auditable patient outcomes, access to care, an effective and accessible specialty network, and prompt access to hospital and infirmary resources. The department shall provide a copy of these policies and procedures, by July 1, 2011, to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Senate Committee on Health, the Senate Committee on Public Safety, the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Assembly Committee on Health, and the Assembly Committee on Public Safety.

(c) (1) The department shall establish annual quantitative utilization management performance objectives to promote greater consistency in the delivery of contract health care services, enhance health care quality outcomes, and reduce unnecessary referrals to contract medical services. On July 1, 2011, the department shall report the specific quantitative utilization management performance objectives it intends to accomplish statewide in each adult prison during the next 12 months to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Senate Committee on Health, the Senate Committee on Public Safety, the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Assembly Committee on Health, and the Assembly Committee on Public Safety.

(2) The requirement for submitting a report imposed under this subdivision is inoperative on January 1, 2015, pursuant to Section 10231.5 of the Government Code.

(d) On March 1, 2012, and each March 1 thereafter, the department shall report all of the following to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Senate Committee on Health, the Senate Committee on Public Safety, the Assembly Committee on Appropriations, the Assembly

Committee on Budget, the Assembly Committee on Health, and the Assembly Committee on Public Safety:

(1) The extent to which the department achieved the statewide quantitative utilization management performance objectives set forth in the report issued the previous March as well as the most significant reasons for achieving or not achieving those performance objectives.

(2) A list of adult prisons that achieved and a list of adult prisons that did not achieve their quantitative utilization management performance objectives and the significant reasons for the success or failure in achieving those performance objectives at each adult state prison.

(3) The specific quantitative utilization management performance objectives the department and each adult state prison intends to accomplish in the next 12 months.

(4) A description of planned and implemented initiatives necessary to accomplish the next 12 months' quantitative utilization management performance objectives statewide and for each adult state prison. The department shall describe initiatives that were considered and rejected and the reasons for their rejection.

(5) The costs for inmate health care for the previous fiscal year, both statewide and at each adult state prison, and a comparison of costs from the fiscal year prior to the fiscal year being reported both statewide and at each adult state prison.

(e) It is the intent of the Legislature that any activities the department undertakes to implement the provisions of this section shall result in no year-over-year net increase in state costs.

(f) The following definitions shall apply to this section:

(1) "Contract medical costs" mean costs associated with an approved contractual agreement for the purposes of providing direct and indirect specialty medical care services.

(2) "Specialty care" means medical services not delivered by primary care providers.

(3) "Utilization management program" means a strategy designed to ensure that health care expenditures are restricted to those that are needed and appropriate by reviewing patient-inmate medical records through the application of defined criteria or expert opinion, or both. Utilization management assesses the efficiency of the health care process and the appropriateness of decisionmaking in relation to the site of care, its frequency, and its duration through prospective, concurrent, and retrospective utilization reviews.

(4) "Community hospital" means an institution located within a city, county, or city and county which is licensed under all applicable state and local laws and regulations to provide diagnostic and therapeutic services for the medical diagnosis, treatment, and care of injured, disabled, or sick persons in need of acute inpatient medical, psychiatric, or psychological care.

(g) The requirement for submitting a report imposed under subdivision (d) is inoperative on March 1, 2016, pursuant to Section 10231.5 of the Government Code.

[\(Amended by Stats. 2011, Ch. 296, Sec. 220. Effective January 1, 2012.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1023	Wagner	Maintenance of the codes.	Chaptered 09/21/2011	09/21/2011 - Chaptered by Secretary of State - Chapter 296, Statutes of 2011.	Secretary of State-Chaptered	No	Majority
AB-	Committee on	Corrections.	Chaptered	10/19/2010 - Chaptered by	Secretary of State-	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
1628	Budget		10/19/2010	Secretary of State - Chapter 729, Statutes of 2010.	Chaptered		
AB-1817	Arambula	Corrections: inmate health care.	Enrolled 08/24/2010	09/30/2010 - Vetoed by Governor.	Assembly-Vetoed	Yes	Majority
SB-868	Committee on Budget and Fiscal Review	Corrections.	Amended Assembly 10/07/2010	11/30/2010 - From Assembly without further action.	Assembly-Died	Yes	Two Thirds

COMMENTS/RECOMMENDATIONS:

According to CDCR, the report required in subdivision (b) was a one-time reporting requirement that has been completed. However, it appears that (d)(1) requires updates to the Legislature regarding the statewide quantitative utilization management performance objectives set forth in the report. Those updates are required every March 1 until the section is repealed on March 1, 2016 (g).

There are other mandates in the section in addition to the report, so the Legislature may want to review proposed language from the Administration before moving forward with elimination.

REPORT NO. 8

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 1. The Department of Corrections and Rehabilitation [5000. - 5032.]

(Heading of Chapter 1 amended by Stats. 2005, Ch. 10, Sec. 31.)

5023.2. (c)

(a) In order to promote the best possible patient outcomes, eliminate unnecessary medical and pharmacy costs, and ensure consistency in the delivery of health care services, the department shall maintain a statewide utilization management program that shall include, but not be limited to, all of the following:

- (1) Objective, evidence-based medical necessity criteria and utilization guidelines.
- (2) The review, approval, and oversight of referrals to specialty medical services.
- (3) The management and oversight of community hospital bed usage and supervision of health care bed availability.
- (4) Case management processes for high medical risk and high medical cost patients.
- (5) A preferred provider organization (PPO) and related contract initiatives that improve the coverage, resource allocation, and quality of contract medical providers and facilities.

(b) The department shall develop and implement policies and procedures to ensure that all adult prisons employ the same statewide utilization management program established pursuant to subdivision (a) that supports the department's goals for cost-effective auditable patient outcomes, access to care, an effective and accessible specialty network, and prompt access to hospital and infirmary resources. The department shall provide a copy of these policies and procedures, by July 1, 2011, to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Senate Committee on Health, the Senate Committee on Public Safety, the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Assembly Committee on Health, and the Assembly Committee on Public Safety.

(c) (1) The department shall establish annual quantitative utilization management performance objectives to promote greater consistency in the delivery of contract health care services, enhance health care quality outcomes, and reduce unnecessary referrals to contract medical services. On July 1, 2011, the department shall report the specific quantitative utilization management performance objectives it intends to accomplish statewide in each adult prison during the next 12 months to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Senate Committee on Health, the Senate Committee on Public Safety, the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Assembly Committee on Health, and the Assembly Committee on Public Safety.

(2) The requirement for submitting a report imposed under this subdivision is inoperative on January 1, 2015, pursuant to Section 10231.5 of the Government Code.

(d) On March 1, 2012, and each March 1 thereafter, the department shall report all of the following to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Senate Committee on Health, the Senate

Committee on Public Safety, the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Assembly Committee on Health, and the Assembly Committee on Public Safety:

(1) The extent to which the department achieved the statewide quantitative utilization management performance objectives set forth in the report issued the previous March as well as the most significant reasons for achieving or not achieving those performance objectives.

(2) A list of adult prisons that achieved and a list of adult prisons that did not achieve their quantitative utilization management performance objectives and the significant reasons for the success or failure in achieving those performance objectives at each adult state prison.

(3) The specific quantitative utilization management performance objectives the department and each adult state prison intends to accomplish in the next 12 months.

(4) A description of planned and implemented initiatives necessary to accomplish the next 12 months' quantitative utilization management performance objectives statewide and for each adult state prison. The department shall describe initiatives that were considered and rejected and the reasons for their rejection.

(5) The costs for inmate health care for the previous fiscal year, both statewide and at each adult state prison, and a comparison of costs from the fiscal year prior to the fiscal year being reported both statewide and at each adult state prison.

(e) It is the intent of the Legislature that any activities the department undertakes to implement the provisions of this section shall result in no year-over-year net increase in state costs.

(f) The following definitions shall apply to this section:

(1) "Contract medical costs" mean costs associated with an approved contractual agreement for the purposes of providing direct and indirect specialty medical care services.

(2) "Specialty care" means medical services not delivered by primary care providers.

(3) "Utilization management program" means a strategy designed to ensure that health care expenditures are restricted to those that are needed and appropriate by reviewing patient-inmate medical records through the application of defined criteria or expert opinion, or both. Utilization management assesses the efficiency of the health care process and the appropriateness of decisionmaking in relation to the site of care, its frequency, and its duration through prospective, concurrent, and retrospective utilization reviews.

(4) "Community hospital" means an institution located within a city, county, or city and county which is licensed under all applicable state and local laws and regulations to provide diagnostic and therapeutic services for the medical diagnosis, treatment, and care of injured, disabled, or sick persons in need of acute inpatient medical, psychiatric, or psychological care.

(g) The requirement for submitting a report imposed under subdivision (d) is inoperative on March 1, 2016, pursuant to Section 10231.5 of the Government Code.

[\(Amended by Stats. 2011, Ch. 296, Sec. 220. Effective January 1, 2012.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1023	Wagner	Maintenance of the codes.	Chaptered 09/21/2011	09/21/2011 - Chaptered by Secretary of State - Chapter 296, Statutes of	Secretary of State-Chaptered	No	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				2011.			
AB-1628	Committee on Budget	Corrections.	Chaptered 10/19/2010	10/19/2010 - Chaptered by Secretary of State - Chapter 729, Statutes of 2010.	Secretary of State-Chaptered	Yes	Two Thirds
AB-1817	Arambula	Corrections: inmate health care.	Enrolled 08/24/2010	09/30/2010 - Vetoed by Governor.	Assembly-Vetoed	Yes	Majority
SB-868	Committee on Budget and Fiscal Review	Corrections.	Amended Assembly 10/07/2010	11/30/2010 - From Assembly without further action.	Assembly-Died	Yes	Two Thirds

COMMENTS/RECOMMENDATIONS:

According to CDCR, the report required in subdivision (c) was a one-time reporting requirement that has been completed. However, it appears that (d)(3) requires updates to the Legislature regarding the quantitative utilization management performance objectives set forth in the report. Those updates are required every March 1 until the section is repealed on March 1, 2016 (g).

There are other mandates in the section in addition to the report, so the Legislature may want to review proposed language from the Administration before moving forward with elimination.

REPORT NO. 9

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 9.6. Work Furlough Programs [6260. - 6266.]

(Chapter 9.6 added by Stats. 1980, Ch. 596, Sec. 1.)

6261.

(a) To the extent that public and private nonprofit and profit corporations have available beds and satisfy the criteria specified in this chapter, the Department of Corrections shall contract with them to provide reentry work furlough programs for all inmates 120 days prior to scheduled release and who are not excluded under this chapter.

(b) The Department of Corrections shall contract with private nonprofit and profit corporations for at least $\frac{1}{3}$ of all reentry work furlough beds, unless the department determines these beds are not available or do not comply with this chapter. The department shall report annually in writing to the fiscal and appropriate policy committees of the Legislature of the actions performed to locate those beds or reasons for noncompliance. This provision shall not be interpreted to impair existing contracts.

(Amended by Stats. 1988, Ch. 1608, Sec. 5.)

Search Results

No data found for the selected criteria

COMMENTS/RECOMMENDATIONS:

According to CDCR, realignment makes this reporting requirement outdated.

REPORT NO. 10

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 11. Master Plan Construction [7000. - 7050.]

(Chapter 11 added by Stats. 1981, Ch. 540, Sec. 6.)

7003.5.

(a) The department shall provide the Joint Legislative Budget Committee with quarterly reports on the progress of funded projects consistent with the requirements outlined in the State Administrative Manual. This report shall include new prisons, projects to construct inmate housing and other buildings at, or within, existing prison facilities, prison medical, mental health, and dental facilities, reentry facilities, and infrastructure projects at existing prison facilities.

(b) On January 10 of each year, the department shall provide a report to the Joint Legislative Budget Committee that includes the status of each project that is part of the master plan, including projects planned, projects in preliminary planning, working, drawing and construction phases, and projects that have been completed. The report shall include new prisons; projects to construct inmate housing and other buildings at or within existing prison facilities; prison medical, mental health, and dental facilities; reentry facilities; and infrastructure projects at existing prison facilities.

(c) This section applies to regular prison facilities; projects to expand existing prison facilities; prison medical, mental health, and dental facilities; reentry facilities; and infrastructure projects at existing prison facilities, whether or not built or operated exclusively by the department.

(d) The report required in subdivision (b) shall include the following information for adult and juvenile facilities:

(1) The department's plans to remove temporary beds in dayrooms, gyms, and other areas, as well as plans to permanently close or change the mission of the facilities.

(2) The department's plans to construct new facilities, including reentry facilities.

(3) The department's plans to renovate existing facilities and renovate, improve, or expand infrastructure capacity at existing prison facilities.

(4) The scope of each project identified in the master plan.

(5) The budget for each project identified in the master plan.

(6) The schedule for each project identified in the master plan.

(7) A master schedule for the overall plan to deliver the department's capital outlay program including planned versus actual progress to date.

(8) Staffing plans for each project identified in the master plan, including program, custody, facilities management, administration, and health care.

(9) Total estimated cost of all projects in the master plan by funding source, including planned versus actual expenditures to date.

(10) Projected versus actual population plotted against projected versus actual housing capacity in aggregate and by security level.

(Amended by Stats. 2007, Ch. 175, Sec. 16. Effective August 24, 2007.)

Search Results
No data found for the selected criteria

COMMENTS/RECOMMENDATIONS: According to CDCR, this requirement is unnecessary.

The Legislative Analyst's Office recommends retaining this annual report because it includes more information than the quarterly reports to help the Legislature assess the Department's ability to deliver projects effectively and efficiently.

Also, in many instances, CDCR is citing the information required by Section 7003.5 as the justification for deleting other reporting requirements (see "Comments" in Sections 15819.8 and 7050 for examples). Because of these inconsistencies, the Legislature may want to review proposed language from the Administration before moving forward with elimination.

Upon reviewing documents, on August 3, CDCR communicated via the Administration that they want to delete 7003.5 from the proposed elimination list. Therefore, no action is necessary.

REPORT NO. 11

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 11. Master Plan Construction [7000. - 7050.]

(Chapter 11 added by Stats. 1981, Ch. 540, Sec. 6.)

7050.

(a) (1) Section 28 of Chapter 7 of the Statutes of 2007 contains an appropriation of three hundred million dollars (\$300,000,000) for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. The funds appropriated by that section may be used for land acquisition, environmental services, architectural programming, engineering assessments, schematic design, preliminary plans, working drawings, and construction.

(2) These funds may also be used to address deficiencies related to utility systems owned by local government entities and serving state prison facilities subject to the provisions of Section 54999 of the Government Code. The department shall report on any funds to be expended for this purpose to the Joint Legislative Budget Committee. If the committee fails to take any action with respect to each notification within 20 days after submittal, this inaction shall be deemed to be approval for purposes of this section.

(3) These funds may also be used for the design and construction of improvements to dental facilities at state prison facilities.

(4) These funds may also be used for the design and construction of improvements to medication distribution facilities at state prison facilities.

(5) This subdivision authorizes the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 or 13332.19.

(b) The scope and costs of the projects described in subdivision (a) of this section shall be subject to approval and administrative oversight by the State Public Works Board, including augmentations, pursuant to Section 13332.11 or 13332.19 of the Government Code. The availability of an augmentation for each individual project allocation shall be based on the total applicable capital outlay appropriation contained in Section 28 of Chapter 7 of the Statutes of 2007 and is not limited to 20 percent of the individual project allocation. These requirements shall be applied separately to each institution. All of the necessary infrastructure improvements at each institution may be treated as one project such that there would be one infrastructure improvement project at each institution. The scope and cost of each infrastructure improvement project shall be established by the board individually. The amount of the total appropriation in Section 28 of Chapter 7 of the Statutes of 2007 that is necessary for each infrastructure improvement project shall be allocated by institution. The appropriation may be allocated based on current estimates. These initial allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously tracked and reported. Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the total appropriation and allocated to each project as necessary. Concurrent with the request to the board to establish each project authorized pursuant to this section, the Department of Corrections and Rehabilitation shall report the associated scope, cost, and schedule information to the Joint Legislative Budget Committee.

(c) The projects authorized pursuant to this section shall be part of the Department of Corrections and Rehabilitation’s master plan, as defined in Section 7000.

(d) The reporting requirements set forth in Sections 7000 to 7003.5, inclusive, shall apply separately to each project authorized pursuant to this section.

(Amended by Stats. 2012, Ch. 42, Sec. 13. Effective June 27, 2012.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1628	Committee on Budget	Corrections.	Chaptered 10/19/2010	10/19/2010 - Chaptered by Secretary of State - Chapter 729, Statutes of 2010.	Secretary of State-Chaptered	Yes	Two Thirds
SB-81	Committee on Budget and Fiscal Review	Corrections.	Chaptered 08/24/2007	08/24/2007 - Chaptered by Secretary of State. Chapter 175, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
SB-297	Polanco, Vasconcellos	Corrections: master plan.	Enrolled 09/08/1999	01/10/2000 - Stricken from Senate file. Veto sustained.	-		
SB-868	Committee on Budget and Fiscal Review	Corrections.	Amended Assembly 10/07/2010	11/30/2010 - From Assembly without further action.	Assembly-Died	Yes	Two Thirds

COMMENTS/RECOMMENDATIONS: According to CDCR, this reporting requirement should be consolidated with other reports because the information is captured by other reports required in Section 7000 and 7003.5 of the Penal Code. However, Section 7003.5 is one of the reports proposed to be eliminated by the Administration. Because of these inconsistencies, the Legislature may want to review proposed language from the Administration before moving forward with elimination.

Upon reviewing documents, on August 3, CDCR communicated via the Administration that they want to delete 7003.5 from the proposed elimination list.

REPORT NO. 12

Sec. 5 of Chapter 585 of the Statutes of 1993

Ch. 585]

STATUTES OF 1993

2899

reentry upon parole. The existing institutional treatment components of the Right-Turn Program at the R.J. Donovan Correctional Facility and the Female Offender Substance Abuse Program at the California Institute for Women and their aftercare components shall serve as models for these treatment programs.

(e) The same range and intensity of treatment services shall be available to inmates whenever the facility is operated at a level that is greater than its designed bed capacity.

(f) The department shall monitor the progress of parolees released from the secure substance abuse treatment facility and report to the Legislature annually on or before January 1. These reports shall include data on the rate of recidivism and relapse to substance abuse of inmates released from these facilities.

COMMENTS/RECOMMENDATIONS:

According to CDCR, the data required in this report is also reported in the Adult Institutions Outcome Evaluation Report prepared by the CDCR Office of Research. According to CDCR, this report was originally required in order to secure initial funding for the construction of the California Substance Abuse Treatment Facility and State Prison (SATF). SATF is no longer CDCR's primary substance abuse treatment facility.

REPORT NO. 13

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 1. IMPRISONMENT OF MALE PRISONERS IN STATE PRISONS [2000. - 3105.]

(Title 1 repealed and added by Stats. 1941, Ch. 106.)

CHAPTER 8. Length of Term of Imprisonment and Paroles [3000. - 3089.]

(Heading of Chapter 8 renumbered from Chapter 7 by Stats. 1941, Ch. 893.)

ARTICLE 3. Discharge Upon Completion of Term [3040. - 3073.1.]

(Article 3 added by Stats. 1941, Ch. 106.)

3049.5.

Notwithstanding the provisions of Section 3049, any prisoner selected for inclusion in a specific research program approved by the Board of Corrections may be paroled upon completion of the diagnostic study provided for in Section 5079. The number of prisoners released in any year under this provision shall not exceed 5 percent of the total number of all prisoners released in the preceding year.

This section shall not apply to a prisoner who, while committing the offense for which he has been imprisoned, physically attacked any person by any means. A threat of attack is not a physical attack for the purposes of this section unless such threat was accompanied by an attempt to inflict physical harm upon some person.

The Board of Corrections shall report to the Legislature on the fifth Legislative day of the 1974 Regular Session of the Legislature regarding any research program completed or in progress authorized under this section, and thereafter it shall report annually.

(Added by Stats. 1971, Ch. 1700.)

Search Results
No data found for the selected criteria

COMMENTS/RECOMMENDATIONS:

According to CDCR, the report should be deleted as it dates back to 1974 and is no longer relevant.

REPORT NO. 14

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 9.4. Substance Abuse Community Correctional Detention Centers [6240. - 6246.]

(Chapter 9.4 added by Stats. 1990, Ch. 1594, Sec. 1.)

6242.6.

(a) The board shall provide evaluation of the progress, activities, and performance of each center and participating county's progress established pursuant to this chapter and shall report the findings thereon to the Legislature two years after the operational onset of each facility.

(b) The board also shall provide to the Joint Legislative Committee on Prison Construction and Operations and to the Joint Legislative Budget Committee, on January 1 of each year beginning 1992, a report on the progress of contracting with counties for centers as provided in this chapter.

(c) The board shall select an outside monitoring firm in cooperation with the Auditor General's office, to critique and evaluate the programs and their rates of success based on recidivism rates, drug use, and other factors it deems appropriate. Two years after the programs have begun operations, the report shall be provided to the Joint Legislative Prisons Committee, participating counties, the department, the Department of Alcohol and Drug Programs, the State Department of Health Services, and other sources the board deems of value. Notwithstanding subdivision (k) of Section 6242, one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the funds disbursed under this chapter from the 1990 Prison Construction Fund to the Board of Corrections to be used for program evaluation under this subdivision.

(d) The department shall be responsible for the ongoing monitoring of contract compliance for state offenders placed in each center.

[\(Amended by Stats. 1991, Ch. 1017, Sec. 4.\)](#)

Search Results
No data found for the selected criteria

COMMENTS/RECOMMENDATIONS: According to CDCR, realignment makes this reporting requirement unnecessary.

REPORT NO. 15

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 9. PUNISHMENT OPTIONS [8000. - 9003.]

(Heading of Title 9 amended by Stats. 1994, 1st Ex. Sess., Ch. 41, Sec. 2.)

CHAPTER 2. Community-Based Punishment Act [8050. - 8093.]

(Chapter 2 added by Stats. 1994, 1st Ex. Sess., Ch. 41, Sec. 4.)

ARTICLE 2. State Administration [8060. - 8061.]

(Article 2 added by Stats. 1994, 1st Ex. Sess., Ch. 41, Sec. 4.)

8061.

The board, in collaboration with state, local, and community-based departments, agencies, and organizations shall do the following:

- (a) Describe the parameters of effective community-based punishment programs and the relationship between the state and local jurisdictions in meeting the purposes of this chapter.
- (b) Develop and implement a process by which local jurisdictions are selected and can participate in pilot efforts initiated under this chapter.
- (c) Develop and implement the process by which counties participating in accordance with this chapter annually submit their community-based punishment program proposals for approval, modification, or both.
- (d) Design and implement a process for annually awarding funds to counties participating pursuant to this chapter to implement their community-based punishment program proposals, and administer and monitor the receipt, expenditure, and reporting of those funds by participating counties.
- (e) Provide technical assistance and support to counties and community correctional administrators in determining whether to participate in community-based punishment programs, and in either developing or annually updating their punishment programs.
- (f) Facilitate the sharing of information among counties and between county and state agencies relative to community-based punishment approaches and programs being initiated or already in existence, strengths and weaknesses of specific programs, specific offender groups appropriate for different programs, results of program evaluations and other data, and anecdotal material that may assist in addressing the purposes of this chapter.
- (g) Adopt and periodically revise regulations necessary to implement this chapter.
- (h) Design and provide for regular and rigorous evaluation of the community-based punishment programming undertaken pursuant to approved community-based punishment plans.
- (i) Design and provide for analysis and evaluation of the pilot and any subsequent implementation of this chapter, with areas of analysis to include, at a minimum, the following:
 - (1) The relationship between the board and counties or collaborations of counties submitting county community-based punishment plans.
 - (2) The effectiveness of this chapter in encouraging the use of intermediate as well as traditional sanctions.
 - (3) The categories of offenders most suitable for specific intermediate sanctions, various aspects of community-based punishment programming, or both.
 - (4) The effectiveness of the programs implemented pursuant to this chapter in maintaining public safety.
 - (5) The cost-effectiveness of the programs implemented pursuant to this chapter.

(6) The effect of the programs implemented pursuant to this chapter on prison, jail, and Department of the Youth Authority populations.

(j) On January 1, 1997, and annually thereafter, the board shall, upon request, provide the Legislature with a progress report on the status of the implementation of this chapter.

(Added by Stats. 1994, 1st Ex. Sess., Ch. 41, Sec. 4. Effective November 30, 1994.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX1-99		Corrections: punishment options.	Chaptered 09/27/1994		-		

COMMENTS/RECOMMENDATIONS:

According to CDCR, they have never received any requests for this information.

project applications under the County Jail Capital Expenditure Bond Act of 1981, to a total maximum amount not to exceed that provided in paragraph (3) of subdivision (d) and for counties' projects, up to the maximums specified in subdivision (d) under a system approved by the Board of Corrections.

(g) Within 60 days after this act becomes effective, the Department of Finance shall review the adequacy and appropriateness of the board's fiscal and contract regulations governing disbursement of funds and monitoring of projects once the projects are funded. These regulations address eligible cost issues, matching fund requirements, and contract management provisions. Following these consultations, the board shall determine whether changes in regulations or administrative policies may be necessary or desirable.

Counties shall have the right of appeal to the Department of Finance regarding the regulations promulgated pursuant to this subdivision or interpretations thereof. The department's authority in these appeals shall be limited to advisory recommendations, which shall be provided to the board and the county within 45 days after an appeal is submitted by the county to the department.

(h) The Board of Corrections shall provide funding at the earliest opportunity to Sacramento and other counties that are ready to proceed with construction.

(i) On March 31 of each year, the board shall provide to the Legislature a report on the status of funds expended, interest being earned, and other source possibilities, along with a complete listing of funds allocated to each county, any recommendations by the board on needed changes in the program, and any other matters pertinent to jail funding on which the board wishes to inform

COMMENTS/RECOMMENDATIONS:

According to CDCR, the report should be eliminated based on the fact it is more than 20 years old and is currently the responsibility of the Board of State and Community Corrections.

REPORT NO. 17

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 6. REPRIEVES, PARDONS AND COMMUTATIONS [4800. - 4906.]

(Title 6 added by Stats. 1941, Ch. 106.)

CHAPTER 1. Powers and Duties of Governor [4800. - 4813.]

(Chapter 1 added by Stats. 1941, Ch. 106.)

4801.

(a) The Board of Parole Hearings may report to the Governor, from time to time, the names of any and all persons imprisoned in any state prison who, in its judgment, ought to have a commutation of sentence or be pardoned and set at liberty on account of good conduct, or unusual term of sentence, or any other cause, including evidence of intimate partner battering and its effects. For purposes of this section, “intimate partner battering and its effects” may include evidence of the nature and effects of physical, emotional, or mental abuse upon the beliefs, perceptions, or behavior of victims of domestic violence where it appears the criminal behavior was the result of that victimization.

(b) (1) The Board of Parole Hearings, in reviewing a prisoner’s suitability for parole pursuant to Section 3041.5, shall consider any information or evidence that, at the time of the commission of the crime, the prisoner had experienced intimate partner battering, but was convicted of the offense prior to the enactment of Section 1107 of the Evidence Code by Chapter 812 of the Statutes of 1991. The board shall state on the record the information or evidence that it considered pursuant to this subdivision, and the reasons for the parole decision. **The board shall annually report to the Legislature and the Governor on the cases the board considered pursuant to this subdivision during the previous year, including the board’s decision and the findings of its investigations of these cases.**

(2) The report for the Legislature to be submitted pursuant to paragraph (1) shall be submitted pursuant to Section 9795 of the Government Code.

[\(Amended by Stats. 2011, Ch. 437, Sec. 1. Effective January 1, 2012.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-220	Committee on Public Safety	Domestic violence.	Chaptered 09/06/2005	09/06/2005 - Chaptered by Secretary of State - Chapter 215, Statutes of 2005. 09/06/2005 - Approved by the Governor.	-	No	Majority
AB-		Board of Prison	Chaptered		-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
231		Terms: commutations.	10/16/1995				
AB-648	Block, Fletcher	Clemency.	Chaptered 10/03/2011	10/03/2011 - Chaptered by Secretary of State - Chapter 437, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
AB-1593	Ma	Parole: intimate partner battering.	Amended Assembly 03/29/2012	06/26/2012 - Read second time. Ordered to third reading.	Senate-In Floor Process	Yes	Majority
AB-3436		Crimes: battered woman syndrome.	Chaptered 09/30/1992		-		
SB-499	Burton	Imprisonment: parole.	Chaptered 09/26/2000	09/26/2000 - Chaptered by Secretary of State. Chapter 652, Statutes of 2000.	-		
SB-1119	Migden	Reprieves, pardons and commutations of sentence.	Amended Assembly 06/27/2006	08/17/2006 - Set, second hearing. Held in committee and under submission.	-	Yes	Majority

COMMENTS/RECOMMENDATIONS:

According to CDCR, the report should be eliminated based on the fact that a report has never been filed. This is an annual reporting requirement, so the Legislature may want to consider whether or not they still want information regarding the Board of Parole Hearing's consideration of "intimate partner battering" in making parole decisions.

REPORT NO. 18

PENAL CODE

PART 3. OF IMPRISONMENT AND THE DEATH PENALTY [2000. - 10007.]

(Part 3 repealed and added by Stats. 1941, Ch. 106.)

TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM [5000. - 7445.]

(Title 7 added by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

CHAPTER 5. The Corrections Standards Authority [6024. - 6044.]

(Heading of Chapter 5 amended by Stats. 2005, Ch. 10, Sec. 55.)

ARTICLE 3.5. Council on Mentally Ill Offenders [6044. - 6044.]

(Article 3.5 added by Stats. 2001, Ch. 860, Sec. 1.)

6044.

(a) The Council on Mentally Ill Offenders is hereby established within the Department of Corrections and Rehabilitation. The council shall be composed of 12 members, one of whom shall be the secretary of the department who shall be designated as the chairperson, one of whom shall be the Director of State Hospitals, one of whom shall be the Director of Health Care Services, and nine of whom shall be appointed. The Governor shall appoint three members, at least one of whom shall represent mental health. The Senate Committee on Rules shall appoint two members, one representing law enforcement and one representing mental health. The Speaker of the Assembly shall appoint two members, one representing law enforcement and one representing mental health. The Attorney General shall appoint one member. The Chief Justice of the California Supreme Court shall appoint one member who shall be a superior court judge.

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

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

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

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

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

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

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

(f) The council shall consider strategies that:

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

(2) Improve the ability of adult and juvenile offenders with mental health needs to transition successfully between corrections-based, juvenile justice-based, and community-based 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 Mentally Ill Offenders 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 mental 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 Mentally Ill Offenders 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.

(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.

(Amended by Stats. 2012, Ch. 24, Sec. 52. Effective June 27, 2012.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1325		Prisons: reports to Legislature.	Chaptered 09/24/1996		-		
AB-1470	Committee on Budget	Mental health: State Department of State Hospitals.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State - Chapter 24, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority
SB-1010	Committee on Budget and Fiscal Review	Mental health: State Department of State Hospitals.	Amended Assembly 06/13/2012	06/14/2012 - Withdrawn from committee. (Ayes 47. Noes 25. Page 5301.) 06/14/2012 - Ordered to second reading. 06/14/2012 - Read second time. Ordered to third reading.	Assembly-In Floor Process	Yes	Majority
SB-1059	Perata, Ortiz	Mentally ill offenders: Council on Mentally Ill	Chaptered 10/13/2001	01/16/2002 - Stricken from Senate file. Item veto sustained.	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
		Offenders.					
SB-1422	Margett	Public safety: omnibus bill.	Chaptered 09/30/2006	09/30/2006 - Chaptered by Secretary of State. Chapter 901, Statutes of 2006. 09/30/2006 - Approved by Governor.	-	Yes	Majority

COMMENTS/RECOMMENDATIONS: According to CDCR, the report should be eliminated based on the fact the Council was never established and there is no funding to establish it. The committee has heard contrary information that the Council was established; we are still waiting for confirmation.

REPORT NO. 19

GOVERNMENT CODE

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.]

(Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000. - 15986.]

(Division 3 added by Stats. 1945, Ch. 111.)

PART 3. DEPARTMENT OF FINANCE [13000. - 13881.]

(Part 3 added by Stats. 1945, Ch. 112.)

CHAPTER 5. The Financial Integrity and State Manager's Accountability Act of 1983 [13400. - 13407.]

(Chapter 5 added by Stats. 1982, Ch. 630, Sec. 1.)

13405.

(a) To ensure that the requirements of this chapter are fully complied with, the head of each state agency that the director determines is covered by this section shall, on a biennial basis but no later than December 31 of each odd-numbered year, conduct an internal review and prepare a report on the adequacy of the agency's systems of internal accounting, administrative control, and monitoring practices in accordance with the guide prepared by the director pursuant to subdivision (d).

(b) The report, including the state agency's response to review recommendations, shall be signed by the head of the agency and addressed to the agency secretary, or the director for agencies without a secretary. Copies of the reports shall be submitted to the Legislature, the State Auditor, the Controller, the Treasurer, the Attorney General, the Governor, the director, and to the State Library where they shall be available for public inspection.

(c) The report shall identify any material inadequacy or material weakness in an agency's systems of internal accounting and administrative control that prevents the head of the agency from stating that the agency's systems comply with this chapter. No later than 30 days after the report is submitted, the agency shall provide to the director a plan and schedule for correcting the identified inadequacies and weaknesses, which shall be updated every six months until all corrections are completed.

(d) The director, in consultation with the State Auditor and the Controller, shall establish, and may modify from time to time as necessary, a system of reporting and a general framework to guide state agencies in conducting internal reviews of their systems of internal accounting and administrative control.

(e) The director, in consultation with the State Auditor and the Controller, shall establish, and may modify from time to time as necessary, a general framework of recommended practices to guide state agencies in conducting active, ongoing monitoring of processes for internal accounting and administrative control.

[*\(Amended by Stats. 2011, Ch. 496, Sec. 15. Effective January 1, 2012.\)*](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-569	Cohn	Bureau of State	Chaptered 07/24/2003	07/24/2003 - Chaptered by Secretary of	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
		Audits.		State - Chapter 107, Statutes of 2003.			
AB-1806	Committee on Budget	State government.	Chaptered 07/12/2006	07/12/2006 - Chaptered by Secretary of State - Chapter 69, Statutes of 2006. 07/12/2006 - Approved by the Governor.	-	Yes	Two Thirds
AB-3007	Committee on Budget	State and local government.	Amended Senate 08/26/2002	11/30/2002 - Died Concurrence pending.	-	Yes	Majority
SB-617	Calderon, Pavley	State government: financial and administrative accountability.	Chaptered 10/06/2011	10/06/2011 - Chaptered by Secretary of State. Chapter 496, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
SB-791	Florez	Information technology.	Amended Senate 04/22/2003	05/28/2003 - Returned to Secretary of Senate pursuant to Joint Rule 62(a).	-	Yes	Majority

COMMENTS/RECOMMENDATIONS:

According to CDCR, the report should be deleted because the requirement is outdated.

REPORT NO. 20

WELFARE AND INSTITUTIONS CODE

DIVISION 2.5. YOUTHS [1700. - 2106.](*Division 2.5 added by Stats. 1941, Ch. 937.)*

CHAPTER 1. The Youth Authority [1700. - 1915.]

(*Heading of Chapter 1 amended by Stats. 1943, Ch. 690.)*

ARTICLE 4. Powers and Duties of Youth Authority [1750. - 1778.]

(*Heading of Article 4 amended by Stats. 1943, Ch. 690.)*

1760.8.

(a) The Department of the Youth Authority shall annually develop a population management and facilities master plan presenting projected population and strategies for treatment and housing of wards for the succeeding five-year period. This plan shall set forth the department's strategy for bridging the gap between available bedspace and the projected ward population. This master plan shall be updated and submitted to the Legislature by January 10 of each year.

(b) The Department of the Youth Authority may contract with the Department of Corrections or the Office of Project Development and Management within the Department of General Services for professional and construction services related to the construction of facilities or renovation projects included in the Department of the Youth Authority's 1994–99 master plan for which funds are appropriated by the Legislature. The Department of the Youth Authority shall be responsible for program planning and all design decisions. The Department of Corrections or the Department of General Services shall, in consultation with the Department of the Youth Authority, ensure that all facilities are designed and constructed specifically for the needs of the youthful offender population. The Department of the Youth Authority also shall ensure that the design and construction of any facilities are consistent with the mission of the Department of the Youth Authority, which emphasizes the protection of the public from criminal activity and the rehabilitation of youthful offenders by providing education, training, and treatment services for those offenders committed by the courts. Any power, function, or jurisdiction for planning, design, and construction of facilities or renovation projects pursuant to the 1994–99 master plan that is conferred upon the Department of General Services shall be deemed to be conferred upon the Department of Corrections for purposes of this section. The Director of the Department of General Services may, upon the request of the Director of the Department of Corrections, delegate to the Department of Corrections any power, function, or jurisdiction for planning, design, and construction of any additional projects included within subsequent Department of the Youth Authority master plans.

(Added by Stats. 1994, Ch. 905, Sec. 1. Effective January 1, 1995.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-1763		Department of the Youth Authority: construction.	Chaptered 09/27/1994		-		

COMMENTS/RECOMMENDATIONS: According to CDCR, the information required in this report is already captured in the department's annual report. The Legislature may wish to see the final legislative proposal from the Administration to determine if the annual report is proposed to be amended.