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**AB-581 Rehabilitative program providers.** (2023-2024)

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**Assembly Bill No. 581**

**CHAPTER 335**

An act to add Chapter 18 (commencing with Section 7460) to Title 7 of Part 3 of the Penal Code, relating to corrections.

[ Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 581, Wendy Carrillo. Rehabilitative program providers.

Existing law requires the Department of Corrections and Rehabilitation to conduct rehabilitative programming in a manner that meets specified requirements, including minimizing program wait times and offering a variety of program opportunities to inmates regardless of security level or sentence length.

This bill would establish various clearance levels for program providers in state prisons, including short-term clearance, annual program provider clearance, and statewide program provider clearance, as defined. The bill would create a procedure for a program provider to receive one of these clearances and an identification card to gain entry into the state prison and would require the department to provide state prisons with forms for program providers to obtain the clearances. The bill would require the department to notify all program provider applicants for clearance of their decision to approve or disapprove within a specified timeframe.

This bill would require the department to designate a standardized approval process for people who were formerly incarcerated and who are applying for these clearances. The bill would also require the department to notify all applicants of their right to appeal a clearance decision and of the process for filing an appeal. The bill would require the department to notify all applicants of their final disposition of appeal within 90 days.

This bill would require the department to submit to the Department of Justice fingerprint images and related information from a program provider applying for an annual clearance, program provider identification card, or statewide program provider clearance, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

(a) Rehabilitative programming should be available to incarcerated people.

(b) The mission of the Department of Corrections and Rehabilitation is “to facilitate the successful reintegration of the individuals in [their] care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.”

(c) Community-based nonprofit organizations are essential to achieving the mission of providing rehabilitative programming to people incarcerated in California.

(d) Formerly incarcerated program providers are a vital part of the rehabilitative process, and bring a wealth of direct experience and knowledge to rehabilitative programs.

(e) Standardizing and streamlining the clearance process will save state resources and valuable time for program providers that can be used to provide programming and serve the incarcerated population.

(f) Standardizing and streamlining the clearance process for formerly incarcerated program providers will assist in the timely delivery of rehabilitative programming.

**SEC. 2.** Chapter 18 (commencing with Section 7460) is added to Title 7 of Part 3 of the Penal Code, to read:

#### **CHAPTER 18. Rehabilitative Program Providers**

**7460.** For purposes of this chapter, the following definitions apply:

(a) “Annual clearance” refers to a clearance allowing a program provider to enter one institution for a full calendar year.

(b) “Institution” refers to a California state prison.

(c) “Program provider” refers to an individual affiliated with a nonprofit organization or a volunteer that originates outside the Department of Corrections and Rehabilitation and provides rehabilitative programming to incarcerated people.

(d) “Program provider identification card” refers to an identification card that allows a program provider to enter a specified institution without a sponsor.

(e) “Short-term clearance” refers to a clearance that allows a program provider to enter an institution for three or fewer days per specific event.

(f) “Sponsor” refers to correctional staff at an institution assigned to escort program providers within the institution.

(g) “Statewide program provider clearance” refers to a clearance status provided to a program provider entering more than three institutions on a routine basis consistent with their program provider status and entitles them to a program provider identification card.

**7461.** (a) The department shall provide forms to the institution for short-term clearances. The institution shall only use the forms provided by the department to process the short-term clearance. The forms should reflect the limited nature of this clearance and shall not be overly burdensome. An institution shall not require additional institution-specific “local” forms.

(b) The department shall not require a fingerprint-based background check for a program provider applying for a short-term clearance.

(c) The department shall not limit the number of short-term clearances a program provider can receive.

(d) The department shall notify all short-term clearance applicants of the decision to approve or disapprove the application consistent with the timeframes identified in the department’s criminal history security screening form.

**7462.** (a) The department shall provide a standardized clearance packet to the institution for annual clearances. The institution shall only use the clearance packet provided by the department, composed only of approved forms, which allows program providers to use the same packet for different institutions. An institution shall not require additional institution-specific “local” forms.

(b) (1) A program provider applying for an annual clearance shall complete a standardized clearance packet.

(2) A program provider applying for this clearance shall be subject to the same infectious disease testing policies as the department staff. The department shall accept forms from a hospital, military, University of California system, or local public health department in lieu of the CDCR Form 7336 or CDCR Form 7354 as documentation of testing if the forms include the date of the testing and evaluation, the results, and the licensed evaluator’s or physician’s signature.

(3) A program provider applying for this clearance shall be subject to a fingerprint-based background check. The clearance application process shall be initiated prior to any fingerprint-based background check. Completion of the background check shall occur concurrently with the department's processing of the annual clearance application. If the program provider has already provided fingerprints to an institution or the department, a clearance application shall be submitted to the additional institution, noting where the fingerprints were previously provided. The institution shall not require the program provider to provide additional fingerprints.

(c) A program provider shall renew their clearance annually.

(d) A program provider with an annual clearance shall have either a program provider identification card or a sponsor.

(e) (1) The department shall not limit the number of annual clearances a program provider can receive.

(2) The department shall notify all program provider applicants for annual clearance of the decision to approve or disapprove the application within 30 days of receipt of the application. If the department has not received the applicable information from the Department of Justice after 30 days, the department shall provide an update to the program provider. The department shall notify applicants of the decision to approve or disapprove the application within 30 days of receiving the applicable information from the Department of Justice.

**7463.** (a) The department shall provide a standardized packet of forms to the institution for a program provider identification card, which allows program providers to use the same packet for different institutions. An institution shall not require additional institution-specific "local" forms.

(b) (1) A program provider identification card is valid for five years, provided the program provider meets testing and annual training requirements and renews their clearance annually.

(2) A program provider with a program provider identification card shall be able to escort other authorized program providers within the institution for which the program provider identification card is valid.

(3) A program provider applying for a program provider identification card shall be subject to the same infectious disease testing policies as the department staff. The department shall accept forms from a hospital, military, University of California system, or local public health department in lieu of the CDCR Form 7336 or CDCR Form 7354 as documentation of testing if the forms include the date of the testing and evaluation, the results, and the licensed evaluator's or physician's signature.

(4) A program provider shall be subject to a fingerprint-based background check with their initial clearance application. If the program provider has already provided fingerprints to the department, a clearance application shall be submitted to the additional institution, noting where the fingerprints were previously provided. The institution shall not require the program provider to provide additional fingerprints.

(c) (1) The department shall not limit the number of program provider identification cards a program provider can receive.

(2) The department shall notify all program provider card applicants of the decision to approve or disapprove within 30 days of receipt of the application. If the department has not received the applicable information from the Department of Justice after 30 days, the department shall provide an update to the program provider. The department shall notify applicants of the decision to approve or disapprove the application within 30 days of receiving the applicable information from the Department of Justice.

**7464.** (a) (1) The department shall accept applications for statewide program provider clearance from qualified program providers and, if approved, shall provide a program provider identification card pursuant to Section 7463 if the program provider does not already have a valid identification card.

(2) A program provider shall renew their clearance annually.

(3) A program provider applying for a program provider identification card shall be subject to the same infectious disease testing policies as the department staff. The department shall accept forms from a hospital, military, University of California system, or local public health department in lieu of the CDCR Form 7336 or CDCR Form 7354 as documentation of testing if the forms include the date of the testing and evaluation, the results, and the licensed evaluator's or physician's signature.

(4) A program provider applying for this clearance shall be subject to a fingerprint-based background check with their initial clearance application. If the program provider has already provided fingerprints to the department, a clearance application shall be submitted to the additional institution, noting where the fingerprints were previously provided. The institution shall not require the program provider to provide additional fingerprints.

(b) A program provider with statewide program provider clearance shall be able to escort other authorized program providers within each institution for which the statewide program provider clearance is valid.

(c) A program provider with statewide program provider clearance may provide programs without a sponsor.

(d) If a program provider has been providing programming for a minimum of six months at more than three institutions, when approved to provide programs at any additional institutions, they may immediately request a program provider identification card.

(e) The department shall notify all statewide program provider clearance applicants of the decision to approve or disapprove the application within 30 days of receipt of the application.

**7465.** (a) The department shall designate a standardized approval process for people who were formerly incarcerated and who are applying for all clearances covered by this chapter.

(b) The department shall not exclude people who were formerly incarcerated from applying based on the type of institution or local area the person is applying to, unless extraordinary circumstances exist, such as verified or credible evidence by a warden that the person who was formerly incarcerated has introduced contraband into the institution or poses a significant security concern.

(c) For applicants who were formerly incarcerated and who are currently under supervision by the Division of Adult Parole Operations and who require documentation from the division to be provided any type of clearance, the division shall provide the documentation within 14 calendar days of the receipt of the request.

(d) An institution shall write and explain in a memorandum the reasons for denying a formerly incarcerated person's program provider application for clearance. The memorandum shall be provided to the applicant by email or mail.

(e) Denial of applications for clearance shall be grounds for an appeal. An appeal of denial of applications for clearance shall be resolved within 90 days.

**7466.** (a) The department shall notify all program provider applicants for clearance of their right to appeal clearance decisions and of the process for filing an appeal.

(b) The department shall notify all program provider applicants for clearance of the final disposition of their appeal within 90 days.

**7467.** (a) (1) The department shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice from a program provider applying for an annual clearance, program provider identification card, or statewide program provider clearance, as defined in Section 7460, in accordance with subdivision (u) of Section 11105 of the Penal Code.

(2) The Department of Justice shall provide a state or federal response to the department pursuant to subdivision (l) of Section 11105 of the Penal Code.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.