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SB-157 Public safety. (2025-2026)

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Senate Bill No. 157

CHAPTER 111

An act to amend Section 12838.6 of, and to add Section 15426 to, the Government Code, and to amend Sections 1231, 1233.1, 3413, and 6034 of, to amend and renumber Sections 1233.4, 1233.5, 1233.6, and 1233.7 of, to add Section 1233.2 to, and to repeal Sections 1233.3 and 1233.61 of, the Penal Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 17, 2025. Filed with Secretary of State September 17, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 157, Committee on Budget and Fiscal Review. Public safety.

(1) Existing law requires the Department of Corrections and Rehabilitation to establish and implement a community treatment program, under which a woman sentenced to state prison who has one or more children under 6 years of age is eligible for release with the woman's children to a public or private facility in the community suitable to their needs. Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into contracts with public or private agencies to provide housing, sustenance, supervision, and services, subject to the approval of the Director of General Services.

This bill would remove the requirement that the contracts be approved by the Director of General Services. The bill would authorize the department to enter into long-term contracts, not to exceed 10 years, for the transfer of prisoners to, or placement of prisoners in, facilities under contract pursuant to these provisions. The bill would require that the secretary advertise potential contracts under these provisions and would require that priority be given to certain community treatment programs, as specified.

(2) Under existing law, the primary responsibilities of the State Public Defender are to represent those persons who are entitled to representation at public expense in specified proceedings, to provide assistance and training to specified attorneys, and to engage in related efforts for the purpose of improving the quality of indigent defense.

This bill would exempt contracts entered into or amended by the State Public Defender to implement those duties from specified contract register requirements, specified small business procurement, disabled veteran business, and public contracting provisions, and from the review or approval of any division of the Department of General Services.

(3) Existing law creates within the Department of Corrections and Rehabilitation the Prison Industry Authority and Prison Industry Board. Existing law continues in existence within the department the Prison Industry Authority and the Prison Industry Authority Board, among other entities.

This bill would revise these provisions to rename the Prison Industry Authority as the California Correctional Training and Rehabilitation Authority, and to rename the Prison Industry Board as the California Correctional Training and Rehabilitation Board. The bill would make these provisions operative only if SB 857 of the 2025–26 Regular Session is enacted and takes effect on or before January 1, 2026.

(4) Existing law, the California Public Records Act, generally requires public records to be open for inspection by the public. Existing law provides numerous exceptions to this requirement. Under existing law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Existing law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer. Existing law makes records relating to an investigation conducted by a local detention facility into a death incident, as defined, available to public inspection, as specified. Existing law establishes the Board of State and Community Corrections, with the mission of, among other things, promoting legal and safe conditions for youth, inmates, and staff in local detention facilities. Existing law creates the position of Director of In-Custody Death Review within the board.

This bill would authorize the director to have access to, and authority to, examine and reproduce records of any local detention facility, as specified. By increasing duties on local governments, this bill would impose a state-mandated local program.

(5) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and provides annual payments to the counties for purposes relating to improving local probation supervision practices and capacities. Existing law continuously appropriates the State Community Corrections Performance Incentives Fund for these incentive payments.

Existing law, as part of those annual payments, requires the Director of Finance, in consultation with certain entities, to annually calculate a statewide performance incentive payment and a county performance incentive payment for each eligible county. Existing law requires the director to calculate those payments based on, among other things, the cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison.

This bill would instead make that calculation based on the per capita cost to the state to incarcerate in a state prison and supervise on parole an offender who fails local supervision and is sent to prison, calculated pursuant to specified formulas.

Existing law also requires that calculation to be based on an estimate of the number of felons on probation, mandatory supervision, and postrelease community supervision each county successfully prevented from being incarcerated in state prison, determined based on the reduction in the county's probation and mandatory supervision failure rate as calculated annually for that year and the county's failure rate from the previous year.

This bill would instead calculate that estimate based on the actual number of individuals under one of those forms of supervision admitted to state prison from each county in the previous calendar year subtracted from each county's baseline admission to prison rate for those forms of supervision, as specified, multiplied by the average daily population of those forms of supervision for each county in the previous calendar year.

Existing law additionally requires the Director of Finance to calculate a statewide performance incentive payment for each county using a formula based on the county's return to prison rate and the county's highest year of funding that the county received from the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive, as specified.

This bill would repeal those provisions. The bill would additionally, beginning with the 2025–26 fiscal year, appropriate \$103,668,010 to the State Community Corrections Performance Incentives Fund from the General Fund, to be distributed to counties, as specified. The bill would decrease a county's appropriation pursuant to these provisions by a factor of 10% for each percentage point the county return to prison rate exceeds its baseline return to prison rate, as specified.

Existing law additionally requires the Director of Finance to calculate a statewide performance incentive payment based on the number of felons on probation, mandatory supervision, or postrelease community supervision that were successfully prevented from being incarcerated in the state prison, multiplied by 35% of the state's costs to incarcerate a prison felony offender in a contract facility, as specified.

This bill would instead multiply that number by 25% of the average of the state's per capita cost to incarcerate a prison felony offender in a state prison and supervise an individual on parole.

By changing the distribution of continuously appropriated funds and making a new appropriation, this bill would make an appropriation.

(6) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

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

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

SEC. 2. Section 15426 is added to the Government Code, to read:

15426. Contracts entered into or amended by the State Public Defender to implement Sections 15420 and 15421 shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5, Chapter 6.5 (commencing with Section 14835) of Part 5.5, Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code, and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and shall be exempt from the review or approval of any division of the Department of General Services.

SEC. 3. Section 1231 of the Penal Code is amended to read:

1231. (a) Community corrections programs funded pursuant to this chapter shall identify and track specific outcome-based measures consistent with the goals of this act.

(b) The Judicial Council, in consultation with the Chief Probation Officers of California, shall specify and define minimum required outcome-based measures, which shall include, but not be limited to, all of the following:

- (1) The percentage and number of persons subject to local supervision who are being supervised in accordance with evidence-based practices.
- (2) The percentage and amount of state moneys expended for programs and practices that are evidence based, by program and practice, and a descriptive list of all programs and practices that are evidence based.
- (3) Specification of supervision policies, procedures, programs, and practices that were eliminated or added to increase the use of evidence-based practices.
- (4) The percentage of persons subject to local supervision who successfully complete the period of supervision.
- (5) The total amount expended from the allocation by fiscal year.
- (6) To the extent that funds were not expended, the reason the funds were not spent on evidence-based practices, and a descriptive list of planned expenditures for these funds.

(c) Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the Judicial Council, evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b). Each submission will include a statement that affirms the accuracy of the CPO responses and intention to use funding pursuant to paragraph (3) of subdivision (b) of Section 1230.

(d) The Judicial Council, shall, in consultation with the CPO of each county and the Department of Corrections and Rehabilitation, provide a quarterly statistical report to the Department of Finance including, but not limited to, the following statistical information for each county:

- (1) The number of felony filings.
- (2) The number of felony convictions.
- (3) The number of felony convictions in which the defendant was sentenced to the state prison.
- (4) The number of felony convictions in which the defendant was granted probation.
- (5) The adult felon probation population.
- (6) The number of adult felony probationers who had their probation terminated and revoked and were sent to state prison for that revocation.

(7) The number of adult felony probationers sent to state prison for a conviction of a new felony offense, including when probation was revoked or terminated.

(8) The number of adult felony probationers who had their probation revoked and were sent to county jail for that revocation.

(9) The number of adult felony probationers sent to county jail for a conviction of a new felony offense, including when probation was revoked or terminated.

(10) The number of felons placed on postrelease community supervision, commencing January 1, 2012.

(11) The number of felons placed on mandatory supervision, commencing January 1, 2012.

(12) The mandatory supervision population, commencing January 1, 2012.

(13) The postrelease community supervision population, commencing January 1, 2012.

(14) The number of felons on postrelease community supervision sentenced to state prison for a conviction of a new felony offense, commencing January 1, 2012.

(15) The number of felons on mandatory supervision sentenced to state prison for a conviction of a new felony offense, commencing January 1, 2012.

(16) The number of felons who had their postrelease community supervision revoked and were sent to county jail for that revocation, commencing January 1, 2012. This number shall not include felons on postrelease community supervision who are subject to flash incarceration pursuant to Section 3453.

(17) The number of felons on postrelease community supervision sentenced to county jail for a conviction of a new felony offense, including when postrelease community supervision was revoked or terminated, commencing January 1, 2012.

(18) The number of felons who had their mandatory supervision revoked and were sentenced to county jail for that revocation, commencing January 1, 2012.

(19) The number of felons on mandatory supervision sentenced to county jail for a conviction of a new felony offense, including when mandatory supervision was revoked or terminated, commencing January 1, 2012.

SEC. 4. Section 1233.1 of the Penal Code is amended to read:

1233.1. After the conclusion of each calendar year, the Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall calculate the following:

(a) The per capita cost to the state to incarcerate in a state prison and supervise on parole an offender who fails local supervision and is sent to prison.

(1) The per capita cost in this subdivision shall be calculated as the sum of both of the following:

(A) The marginal cost to incarcerate an offender in prison multiplied by the average length of stay in prison.

(B) The marginal cost to supervise an offender on parole multiplied by the average length of stay on parole multiplied by the percentage of offenders admitted to prison who are subsequently released to parole supervision.

(2) The marginal cost to incarcerate an offender in prison specified in paragraph (1) shall be calculated by dividing the portion of the budget of the Department of Corrections and Rehabilitation that is annually adjusted based on changes in the prison population, including, but not limited to, pharmaceutical costs, by the average daily prison population.

(3) The marginal cost to supervise an offender on parole specified in paragraph (1) shall be calculated by dividing the portion of the budget of the Department of Corrections and Rehabilitation that is annually adjusted based on changes in the parole population by the average daily parole population.

(4) In carrying out the calculations pursuant to this subdivision, the Department of Finance, in consultation with the Department of Corrections and Rehabilitation, shall use data from the most recently completed fiscal year.

(b) The probation failure rate, calculated as the total number of adult felony probationers, individuals on mandatory supervision, and individuals on postrelease community supervision, sent to state prison as a percentage of the average adult felony probation, mandatory supervision, and postrelease community supervision population for that year.

(c) A felony probation baseline admission to prison rate for each county, calculated as an average of the annual felony probation admission to prison rate for calendar years 2022 and 2023.

(d) A mandatory supervision baseline admission to prison rate for each county, calculated as an average of the annual mandatory supervision admission to prison rate for calendar years 2022 and 2023.

(e) A postrelease community supervision baseline admission to prison rate for each county, calculated as an average of the annual postrelease community supervision admission to prison rate for calendar years 2022 and 2023.

(f) The probation failure rate for each county shall be calculated as the total number of adult felony probationers, individuals on mandatory supervision, and individuals on postrelease community supervision, sent to state prison from that county, as a percentage of the county's average adult felony probation, mandatory supervision, and postrelease community supervision population for that year.

(g) An estimate of the number of adult felony probationers each county successfully prevented from being incarcerated in state prison. For each county, this estimate shall be calculated as the actual number of individuals from felony probation admitted to state prison from each county in the previous calendar year subtracted from each county's felony probation baseline admission to prison rate, calculated pursuant to subdivision (c), multiplied by the average daily population of felony probation for each county in the previous calendar year.

(h) In calculating probation failure to prison rates for the state and individual counties, the number of adult felony probationers sent to state prison shall include those adult felony probationers sent to state prison for a revocation of probation, as well as adult felony probationers sent to state prison for a conviction of a new felony offense. The calculation shall also include adult felony probationers who are sent to state prison for a conviction of a new crime and who simultaneously have their probation terms terminated.

(i) A mandatory supervision failure to prison rate for each county. Each county's mandatory supervision failure to prison rate shall be calculated as the number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 sent to prison from that county in the previous calendar year as a percentage of the county's average mandatory supervision population for that year.

(j) An estimate of the number of felons on mandatory supervision each county successfully prevented from being incarcerated in state prison. For each county, this estimate shall be calculated as the actual number of individuals from mandatory supervision admitted to state prison from each county in the previous calendar year subtracted from each county's mandatory supervision baseline admission to prison rate, calculated pursuant to subdivision (d), multiplied by the average daily population of mandatory supervision for each county in the previous calendar year.

(k) A postrelease community supervision failure to prison rate for each county. Each county's postrelease community supervision failure to prison rate shall be calculated as the number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3 sent to prison from that county in the previous calendar year as a percentage of the county's average postrelease community supervision population for that year.

(l) An estimate of the number of felons on postrelease community supervision each county successfully prevented from being incarcerated in state prison. For each county, this estimate shall be calculated as the actual number of individuals from postrelease community supervision admitted to state prison from each county in the previous calendar year subtracted from each county's postrelease community supervision baseline admission to prison rate, calculated pursuant to subdivision (e), multiplied by the average daily population of postrelease community supervision for each county from the previous calendar year.

(m) The county return to prison rate. The combined individual county return to prison rate shall be calculated as the total number of offenders supervised by a county probation department as felony probationers, or subject to mandatory supervision pursuant to subdivision (h) of Section 1170, or subject to postrelease community supervision, who were sent to prison, as a percentage of the average adult felony probation, mandatory supervision, and postrelease community supervision population for that county.

(n) A baseline return to prison rate for each county, calculated as an average of the county return to prison rate defined in subdivision (m) for calendar years 2022 and 2023.

(o) It is the intent of the Legislature to modify the calendar years upon which the baseline admission to prison rates specified in subdivisions (c), (d), (e), and (n) are based on, as necessary, to minimize the extent to which factors unrelated to performance affect county performance incentive payments calculated pursuant to Section 1233.3.

SEC. 5. Section 1233.2 is added to the Penal Code, to read:

1233.2. (a) Beginning with the 2025–26 fiscal year, the amount of one hundred three million six hundred sixty-eight thousand ten dollars (\$103,668,010) is hereby annually appropriated from the General Fund to the State Community Corrections Performance

Incentives Fund, established pursuant to Section 1233.5, for the community corrections program as a statewide performance maintenance payment. Funds allocated pursuant to this section shall be used as specified in paragraph (3) of subdivision (b) of Section 1230. Funds shall be allocated by the Controller to counties according to the requirements of the program and pursuant to the following schedule:

Alameda	\$ 2,330,216
Alpine	\$ 168,800
Amador	\$ 197,308
Butte	\$ 351,445
Calaveras	\$ 432,151
Colusa	\$ 225,980
Contra Costa	\$ 5,606,841
Del Norte	\$ 168,800
El Dorado	\$ 294,130
Fresno	\$ 2,664,300
Glenn	\$ 188,356
Humboldt	\$ 890,805
Imperial	\$ 171,540
Inyo	\$ 187,451
Kern	\$ 1,282,194
Kings	\$ 933,353
Lake	\$ 392,522
Lassen	\$ 213,563
Los Angeles	\$ 31,577,019
Madera	\$ 1,044,486
Marin	\$ 833,952
Mariposa	\$ 168,800
Mendocino	\$ 500,078
Merced	\$ 871,819
Modoc	\$ 171,311
Mono	\$ 217,301
Monterey	\$ 253,591
Napa	\$ 278,323
Nevada	\$ 564,871
Orange	\$ 4,197,668
Placer	\$ 460,696
Plumas	\$ 373,623
Riverside	\$ 5,869,455
Sacramento	\$ 10,405,873
San Benito	\$ 238,189
San Bernardino	\$ 7,053,381
San Diego	\$ 2,473,762
San Francisco	\$ 2,583,106
San Joaquin	\$ 1,879,816

San Luis Obispo	\$ 1,116,156
San Mateo	\$ 992,398
Santa Barbara	\$ 1,195,901
Santa Clara	\$ 1,475,130
Santa Cruz	\$ 1,474,167
Shasta	\$ 432,159
Sierra	\$ 181,873
Siskiyou	\$ 239,996
Solano	\$ 681,311
Sonoma	\$ 901,241
Stanislaus	\$ 1,086,126
Sutter	\$ 622,956
Tehama	\$ 386,626
Trinity	\$ 168,800
Tulare	\$ 1,573,585
Tuolumne	\$ 322,723
Ventura	\$ 661,077
Yolo	\$ 1,270,110
Yuba	\$ 168,800

(b) (1) In order for a county to receive the full amount allocated in subdivision (a), the return to prison rate for that county, as defined in subdivision (m) of Section 1233.1, shall not exceed a threshold of 0.5 percentage points greater than the county baseline return to prison rate, as defined in subdivision (n) of Section 1233.1.

(2) For each percentage point the county return to prison rate exceeds the threshold described in paragraph (1), the county allocation identified in subdivision (a) shall be reduced by a factor of 10 percent.

(c) If county allocations are reduced pursuant to subdivision (b), the amount appropriated from the General Fund to the State Community Corrections Performance Incentives Fund in subdivision (a) shall be reduced by a corresponding amount.

SEC. 6. Section 1233.3 of the Penal Code is repealed.

SEC. 7. Section 1233.4 of the Penal Code is amended and renumbered to read:

1233.3. The Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall, for the most recently completed calendar year, annually calculate a county performance incentive payment for each eligible county. A county shall be eligible for compensation for each of the following:

(a) The estimated number of felons on probation that were successfully prevented from being incarcerated in the state prison as calculated in subdivision (g) of Section 1233.1, multiplied by 25 percent of the average of the state's per capita costs to incarcerate a prison felony offender in a state prison and supervise an individual on parole, as defined in subdivision (a) of Section 1233.1.

(b) The estimated number of felons on mandatory supervision that were successfully prevented from being incarcerated in the state prison as calculated in subdivision (j) of Section 1233.1, multiplied by 25 percent of the average of the state's per capita costs to incarcerate a prison felony offender in a state prison and supervise an individual on parole, as defined in subdivision (a) of Section 1233.1.

(c) The estimated number of felons on postrelease community supervision that were successfully prevented from being incarcerated in the state prison as calculated in subdivision (l) of Section 1233.1, multiplied by 25 percent of the average of the state's per capita costs to incarcerate a prison felony offender in a state prison and supervise an individual on parole, as defined in subdivision (a) of Section 1233.1.

(d) County performance incentive payments awarded based on the calculation pursuant to this section shall be used as specified in paragraph (3) of subdivision (b) of Section 1230.

SEC. 8. Section 1233.5 of the Penal Code is amended and renumbered to read:

1233.4. If data of sufficient quality and of the types required for the implementation of this chapter are not available to the Department of Finance, the Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, and Judicial Council, shall use the best available data to estimate each county's Community Corrections Performance Incentives Fund grant allocation utilizing a methodology that is as consistent with that described in this chapter as is reasonably possible.

SEC. 9. Section 1233.6 of the Penal Code is amended and renumbered to read:

1233.5. (a) A statewide performance maintenance payment calculated pursuant to Section 1233.2 and a county performance incentive payment calculated pursuant to Section 1233.3 for any calendar year shall be provided to a county in the following fiscal year. The total annual payment to a county shall be divided into four equal quarterly payments.

(b) The Department of Finance shall include an estimate of the total performance maintenance payments and county performance incentive payments to be provided to counties in the coming fiscal year as part of the Governor's proposed budget released no later than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of probation failure reduction incentive payments in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in May of each year.

(c) There is hereby established, in the State Treasury, the State Community Corrections Performance Incentives Fund, which is continuously appropriated. Moneys appropriated for purposes of statewide performance maintenance payments and county performance incentive payments authorized in Sections 1230 to 1233.6, inclusive, shall be transferred into this fund from the General Fund. Any moneys transferred into this fund from the General Fund shall be administered by the Judicial Council and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230.

(d) For each fiscal year, the Department of Finance shall determine the total amount of the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to Sections 1230 to 1233.6, inclusive, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund authorized in subdivision (c) to each county in accordance with the amounts provided.

(e) Notwithstanding Section 13340 of the Government Code, each fiscal year, the amount of one million dollars (\$1,000,000) is hereby continuously appropriated from the State Community Corrections Performance Incentives Fund to the Judicial Council for the costs of implementing and administering this program, pursuant to subdivision (c), and the 2011 realignment legislation addressing public safety.

(f) A county that fails to provide the information required in Section 1231 to the Judicial Council shall not be eligible for the statewide performance maintenance payment pursuant to Section 1233.2 or the county performance incentive payment pursuant to Section 1233.3.

SEC. 10. Section 1233.61 of the Penal Code is repealed.

SEC. 11. Section 1233.7 of the Penal Code is amended and renumbered to read:

1233.6. (a) The Department of Finance shall increase to no more than two hundred thousand dollars (\$200,000) the award amount for any county whose statewide performance maintenance payment and county performance incentive payment, as calculated pursuant to Sections 1233.2 and 1233.3, totals less than two hundred thousand dollars (\$200,000). Funds allocated pursuant to this section shall be used as specified in paragraph (3) of subdivision (b) of Section 1230.

(b) A county that fails to provide the information specified in Section 1231 to the Judicial Council shall not be eligible for payment pursuant to this section.

(c) The moneys appropriated pursuant to this chapter shall be used to supplement, not supplant, any other state or county appropriation for a CPO or a probation department.

SEC. 12. Section 3413 of the Penal Code is amended to read:

3413. (a) In determining how to implement this chapter, the Department of Corrections and Rehabilitation shall be guided by the need to utilize the most cost-efficient methods possible. Therefore, the Secretary of the Department of Corrections and Rehabilitation may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services as provided in subdivisions (a) and (b) of Section 3412, and supervision for incarcerated persons who are eligible for placement in community treatment programs. Incarcerated persons in the care of such agencies shall be subject to all provisions of law applicable to them.

(b) For the purposes of entering into or renewing agreements pursuant to this section, the department may enter into long-term contracts, not to exceed 10 years, for transfer of incarcerated persons to, or placement of incarcerated persons in, facilities under contract pursuant to this section.

(c) In awarding contracts pursuant to this section, the secretary shall advertise the potential contract and may entertain proposals for the establishment and operation of community treatment programs from public and private entities and shall give preference to the following community treatment programs:

(1) Programs with approved state or local land use.

(2) Programs that provide a rehabilitative, supportive setting and programming that is trauma informed, gender responsive, culturally responsive, and community oriented to improve the outcomes of the participants and reduce recidivism.

(3) Programs operated by a nonprofit organization that has demonstrated experience successfully operating a community correctional reentry center or community treatment program.

(4) Programs that have demonstrated expertise in supporting and strengthening family connection, particularly in parent-child relationships.

(d) Notwithstanding any other law, except as provided in subdivision (c), for the purposes of entering into or renewing agreements pursuant to this section, any process, regulation, or requirement, including any state government reviews or approvals, or third-party approval that is required under, or implemented pursuant to, any statute that relates to entering into or renewing those agreements, is hereby waived.

SEC. 13. Section 6034 of the Penal Code is amended to read:

6034. (a) There is hereby created the position of Director of In-Custody Death Review within the Board of State and Community Corrections. Subject to Senate confirmation, the Governor shall appoint the director to a six-year term.

(b) (1) Commencing July 1, 2024, the director shall review investigations of any death incident, as defined in paragraph (1) of subdivision (a) of Section 832.10, occurring within a local detention facility, as defined in paragraph (2) of subdivision (a) of Section 832.10, and may, upon determination by the board that it is necessary and appropriate, conduct further review of a death incident. Upon that review, the director shall make specific and customized recommendations to the sheriff or administrator of the local detention facility who operates the local detention facility regarding those incidents, including changes to policies, procedures, and practices, facility upgrades, staffing considerations, the delivery of medical and behavioral health services within local detention facilities, and operational and capital funding requirements to address the director's recommendations.

(2) As used in this section, the term "director" includes employees and agents of the In-Custody Death Review Division.

(c) Within 90 days of receipt of the director's recommendations, the sheriff or administrator who operates the local detention facility shall identify the director's recommendations that will be implemented and shall provide a timeline for implementation and the anticipated cost of implementing those recommendations. The sheriff or administrator who operates the local detention facility shall also identify the director's recommendations that will not or cannot be implemented, accompanied by an explanation of why the recommendations will not or cannot be implemented. The Board of State and Community Corrections may call upon the sheriff or administrator who operates the local detention facility to respond to the Board of State and Community Corrections at a regularly scheduled meeting to discuss the recommendations and responses.

(d) The director's recommendations issued pursuant to subdivision (b) and responses from the sheriff or administrator required under subdivision (c) shall be available to the public. The director and the sheriff or administrator of the local detention facility may, in their discretion, redact these disclosures or otherwise protect the names of individuals, specific locations, or other facts that, if not redacted, might hinder litigation related to the review, compromise the safety and security of staff, inmates, or members of the public, or where disclosure of the information is otherwise prohibited by law. Copies of public reports shall be posted on the Board of State and Community Corrections's internet website.

(e) Commencing July 1, 2024, and upon appropriation by the Legislature for this purpose, the Board of State and Community Corrections shall employ a sufficient number of licensed medical professionals and licensed behavioral health professionals to participate in the reviews described in this section, assist with establishing and implementing health and behavioral health

standards for local detention facilities, and review the delivery of medical and behavioral health services within local detention facilities.

(f) (1) In carrying out the duties under this section, the director shall, during regular business hours, have access to, and authority to, examine and reproduce records, as specified in paragraph (1) of subdivision (c) of Section 832.10, of any local detention facility. In connection with duties authorized by this chapter, the director shall have access to the records and property of any public or private entity or person subject to review or regulation by the public agency or public entity to the same extent that employees or officers of that agency or public entity have access. No provision of law, memorandum of understanding, or any other agreement entered into between the employing entity and the employee or the employee's representative providing for the confidentiality or privilege of any records or property shall prevent disclosure. Any officer or employee of any agency or entity having these records or property in their possession or under their control shall permit access to, and examination and reproduction thereof, consistent with the provisions of this section, upon the request of the director.

(2) A local detention facility may withhold records that are part of an active criminal or administrative investigation as set forth in paragraph (4) of subdivision (c) of Section 832.10.

(g) Access, examination, and reproduction consistent with the provisions of this section shall not constitute a waiver of any confidentiality or privilege regarding any records disclosed to the director.

(h) For purposes of federal and state law, including the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Confidentiality of Medical Information Act, the In-Custody Death Review Division within the Board of State and Community Corrections shall be deemed a health oversight agency authorized by law to receive protected health information for oversight activities, including as described in Section 164.512(d) of Title 45 of the Code of Federal Regulations related to the review of an in-custody death pursuant to this section. Covered entities may disclose protected health information to the In-Custody Death Review Division without the authorization of the individual, provided that disclosure is limited to information reasonably necessary for the In-Custody Death Review Division review of in-custody deaths pursuant to this section.

SEC. 14. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 15. Section 1 of this act, amending Section 12838.6 of the Government Code, shall become operative only if Senate Bill 857 of the 2025–26 Regular Session is enacted and becomes effective on or before January 1, 2026.

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