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Sacramento, CA 94283-0001



September 22, 2015

NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

You are receiving this notice because you provided comments or expressed an interest in receiving notices of changes to the California Department of Corrections and Rehabilitation amendments to the California Code of Regulations concerning the content of institution law libraries.

Amendments to the proposed text originally noticed to the public are indicated by bold double underline for newly added text and bold ~~double strikethrough~~ for text deleted from the original proposed text. The single underline and strikethrough formatting from the original proposed text noticed to the public has been removed as these regulations are currently in emergency effect. These proposed changes are being made available for public comment.

The attached text contains the following changes:

Section 3124. Content of Law Libraries.

Subsection 3124(a)(2) is amended to correct a spelling error. The word Counsel should have been Council. This revision that does not change the meaning or effect of the regulations.

Subsections 3124(a)(3) and (a)(9) are amended to add the name of the publisher of the documents listed in these subsections, to make clear which publications will be available in institution law libraries, and for consistency with the rest of the section.

Subsection 3124(a)(12) is amended to specify that all Federal Appeals Court Cases as reported in the Federal Reporter shall be made available to inmates in institution law libraries. This amendment is necessary to specify that only those cases reported in the Federal Reporter shall be available. The previous language implied that all federal appeals court cases would be available, with no date parameters, when many of these cases are not reported or are too old to be located.

Subsection 3124(a)(13) is amended to specify that all Federal District Court Cases as reported in the Federal Supplement shall be made available to inmates in institution law libraries. This amendment is necessary to specify that only those cases reported in the Federal Supplement shall be available. The previous language implied that all federal district court cases would be available, with no date parameters, when many of these cases are not reported or are too old to be located.

The comment period for these revisions will close on October 13, 2015. Please submit comments to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; by fax to (916) 324-6075; or by e-mail to rpmb@cdcr.ca.gov, before the close of the public comment period. Comments must be received or postmarked no later than 5:00 p.m. on October 13, 2015. Only those comments relating directly to the enclosed post-hearing changes that are indicated by **bold double underline** or ~~double strikethrough~~ will be considered.

Original Signed By:

TIMOTHY M. LOCKWOOD, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachment

TEXT OF PROPOSED REGULATIONS – RENOTICE

Please note that the following text has been adopted on a temporary emergency basis and is currently in effect, therefore the original strikethrough/underline formatting has been removed.

In the following, bold double underline indicates additional text and bold ~~double strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Chapter 1, Subchapter 2

Article 3. Library

3124. Content of Law Libraries.

(a) Each institution shall maintain at least one law library for the use of inmates, in print and/or by means of the Electronic Law Library Delivery System with any necessary print or other electronic supplements. Except for items that are out of print, the law library collection shall include, but shall not be limited to, the following current and updated legal materials or their equivalents from other publishers:

- (1) Deering's California Codes Annotated.
- (2) Judicial ~~Counsel~~ Council of California Civil and Criminal Jury Instructions.
- (3) Michie, California Official Reports.
- (4) Matthew Bender, Standard California Codes: Rules of Court (latest edition).
- (5) Matthew Bender, California Criminal Defense Practice (latest edition).
- (6) Matthew Bender, California Criminal Discovery (latest edition).
- (7) Matthew Bender, California Evidence Courtroom Manual (latest edition).
- (8) Matthew Bender, California Forms of Pleading and Practice (latest edition).
- (9) Michie, United States Code Service.
- (10) Matthew Bender, Moore's Federal Practice (latest edition).
- (11) All United States Supreme Court Cases.
- (12) All Federal Appeals Court Cases ~~—All Circuits~~ as reported in the Federal Reporter.
- (13) All Federal District Court Cases ~~—All Districts~~ as reported in the Federal Supplement.
- (14) Anderson, Constitutional Rights of Prisoners (latest edition).
- (15) Michie, Federal Habeas Corpus Practice and Procedure (latest edition).
- (16) The Daily Journal (newspaper), one year back file.
- (17) Shepard's United States Citations.
- (18) Shepard's Federal Citations.
- (19) Shepard's California Citations.

(20) A recognized law dictionary, such as Black's or Ballantine's (latest edition).

(21) California Code of Regulations.

(22) California Family Law Litigation Guide (latest edition).

(23) California Family Law Practice and Procedure (latest edition).

(24) Civil Rights Actions (latest edition).

(25) California Courtroom Evidence, by Cotchett.

(26) California Juvenile Courts Practice and Procedure (latest edition).

(27) California Superior Court Local Rules.

(b) Each institution shall also make supplemental legal materials available to inmates from an outside source. Except for items that are out of print, the supplemental legal materials shall include, but shall not be limited to, the following legal materials or their equivalents from other publishers:

(1) Federal Rules Decisions.

(2) Corpus Juris Secundum.

(3) California Jurisprudence (latest edition).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zakto v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).