

P.O. Box 942883
Sacramento, CA 94283-0001



February 2, 2016

NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

The full text of the amendments to the California Code of Regulations that concern Funds Enclosed in Correspondence is provided in its original single underline and strikethrough format. Changes to this original text, which are being proposed in this Notice, are indicated by **bold double underlining** for additional added text and **bold double strikethrough** for deleted text. These proposed changes are being made available for public comment.

As determined by the California Department of Corrections and Rehabilitation (CDCR), the attached text contains the following changes:

Section 3140(a): The language “and shall be from a sender other than the inmate” was deleted to resolve any issues with not accepting a check that is received with the inmate’s name listed as the remitter on the check. There may be some instances where the check is coming from the inmate’s own bank account, and these types of situations would not necessarily be cause for investigation or denial. Additionally, the language “The sender’s name and address shall be written on each of the aforementioned documents” was removed from this section, revised, and relocated into section 3140(a)(1) for better placement and configuration within the article.

Section 3140)(a)(1): This section was added to the Proposed Change to Regulations Text to incorporate the language removed from section 3140(a) that deals with the sender’s name and address being written on the document. The relocation of language provides better placement and configuration of the article. The specific negotiable instruments (i.e. personal check, cashier’s check, etc.) were listed out, so that there would be no confusion as to what documents required the information that is to be written on them. Additionally, language now specifies that the sender’s name and address shall be on the face of the negotiable instrument and envelope. This reconfiguration of the language lessens confusion and/or disputes regarding where the sender’s name and address should be located. In addition, the sender’s information on the “envelope” was added to the language, as it was determined that this is also helpful in determining the sender, and also notifies the inmate whom the sender is.

Section 3140(d): This section was added to the Proposed Change to Regulations Text to remove language concerning certified checks. This section was initially not included in the Proposed Change to Regulations, due to an oversight. After further review CDCR Accounting Department determined the deletion of the language “not in the form of certified checks” was necessary to avoid further accounting complications and financial injuries caused from voided checks or stopped payments. Any form of negotiable instrument can be voided or a stop payment issued and funds returned to the purchaser. CDCR had seen incidents where the purchaser of a certified check holds on to the check for a period of time, then goes back to the bank and states that the person they sent the check to never received it, they then receive their money back from the bank, then send the check to the inmate. The inmate receives the certified

check with no 30 day hold placed on it, then has access to funds immediately. CDCR then has to buy the certified check back from the bank to pay the bank for creating a red balance in the inmate's account. By removing this language, consistency and fairness will be achieved by requiring that *all* funds not be released for spending by the inmate for thirty days from the date of deposit into the inmate trust account, and they must have cleared the bank upon which they were drawn.

The 15-day comment period on these changes shall close on February 17, 2016. Submit any comments to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; fax to (916) 324-6075; or e-mail to rmb@cocr.ca.gov before the close of the public comment period. Comments must be received no later than 5:00 p.m. on February 17, 2016.

Only those comments relating directly to the enclosed post-hearing changes that are indicated by **bold double underlining** or ~~double strikethrough~~ will be considered.

Original signed by:

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

Attachment

15-DAY RE-NOTICE TEXT OF PROPOSED REGULATIONS

In the following, bold double underline indicates additional text and bold ~~double strikethrough~~ indicates additional deleted text to the originally proposed text presented in the original single underline and strikethrough format.

Title 15, Crime Prevention and Corrections

Division 3, Adult Institutions, Programs, and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 2. Inmate Resources

Article 4. Mail

3140. Funds Enclosed in Correspondence.

Subsection 3140(a) is amended to read:

(a) Funds may be mailed to an inmate in the form of a money order, cashier's check, certified check, personal check, or any other negotiable means except cash and ~~Traveler's Checks~~, and shall be from a sender other than the inmate. The sender's name and address shall be written on each of the aforementioned documents.

Subsection 3140(a)(1) is amended to read:

(1) The personal check, ~~or~~ money order, cashier's check, certified check, or other negotiable means shall be made payable to the California Department of Corrections and Rehabilitation with the inmate's last name and departmental identification number. This information along with the sender's name and address shall be on the face of the ~~check or money order~~ negotiable instrument and envelope.

Subsections 3140(a)(2) through 3140(c)(2) are unchanged.

Subsection 3140(d) is amended to read:

(d) Funds ~~not in the form of certified checks~~ shall not be released for spending by the inmate for thirty (30) days from the date of deposit into the inmate trust account and must have cleared the bank upon which they were drawn. When personal checks or money orders are received, the face of the envelope in which the funds were received shall be imprinted with a stamp indicating the funds have been accepted at this time. This stamp is not intended to indicate that the funds are immediately available for inmate use, but only that the funds were accepted for processing by the department.

Subsection 3140(e) is unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.