

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections:

Amend sections: 3043, 3043.3, 3043.4,
3043.5

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

OAL Matter Number: 2019-0913-01

**OAL Matter Type: Certificate of Compliance
(C)**

The Department of Corrections and Rehabilitation submitted this certificate of compliance action to make permanent emergency amendments to four regulations that allow inmates to earn credits to advance release dates and parole dates. The amendments increase the amount of credits inmates may earn in several categories, as specified.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: October 24, 2019



Richard L. Smith
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Ralph Diaz, Secretary
Copy: Anthony Carter

NOTICE PUBLICATION/REGULATIONS SUBMISSION

CERT

(See instructions on reverse)

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 24 2019

1:39 PM

NOTICE FILE NUMBER Z-2019-0702-06	REGULATORY ACTION NUMBER 2019-0913-010	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2019 SEP 13 P 4 34
**OFFICE OF
ADMINISTRATIVE LAW**

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)
18-0910

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2019 28-2	PUBLICATION DATE 7/12/2019

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Supplemental Reforms to Credit Earning	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) per agency request 2018-1220-03EON; 2019-0528-01 EON
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3043, 3043.3, 3043.4 and 3043.5.
TITLE(S) Title 15	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(e))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Anthony Carter, Correctional Counselor II	TELEPHONE NUMBER 916-445-2220	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 9/11/19
PRINTED NAME AND TITLE OF SIGNATORY Ralph M. Diaz, Secretary, CDCR	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 24 2019

Office of Administrative Law

Text of Adopted Regulations

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

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 3.5 Credits.

Section 3043. Credit Earning.

Subsection 3043(a) is amended to read:

(a) General.~~(1)~~ Inmates are expected to work or participate in rehabilitative programs and activities to prepare for their eventual return to society. Inmates who comply with the regulations and rules of the department and perform the duties assigned to them shall be eligible to earn Good Conduct Credit as set forth in section 3043.2 of this article. Unless otherwise precluded by this article, all inmates who participate in approved rehabilitative programs and activities, including inmates housed in administrative segregation housing units, in security housing units, in psychiatric services units, or in other segregated housing placement units, shall be eligible to earn Milestone Completion Credit, Rehabilitative Achievement Credit, and Educational Merit Credit as set forth in sections 3043.3, 3043.4, and 3043.5 of this article. The award of these credits, as well as Extraordinary Conduct Credit as set forth in section 3043.6 of this article, shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Inmates who do not comply with the regulations and rules of the department or who do not perform the duties assigned to them shall be subject to credit forfeiture as provided in this article.

~~(2) Commencing January 1, 2021, the award of the foregoing credits shall advance an inmate's initial youth offender parole hearing scheduled under subdivision (b)(3) of section 3051 of the Penal Code if the inmate is sentenced to an indeterminate term with the possibility of parole.~~

Subsections 3043(b) through 3043(e) are unchanged but shown for reference.

(b) Inmate Participation in Credit Earning Programs and Activities. All eligible inmates shall have a reasonable opportunity to earn Good Conduct Credit, Milestone Completion Credit, Rehabilitative Achievement Credit, and Educational Merit Credit in a manner consistent with the availability of staff, space, and resources, as well as the unique safety and security considerations of each prison. No credit shall be awarded for incomplete, partial, or unsatisfactory participation in the credit earning programs or activities described in this article, nor shall credit be awarded for diplomas, degrees, or certificates that cannot be verified after due diligence by department staff.

(c) Release Date Restriction.

(1) The following Release Date Restriction took effect on April 13, 2017. Under no circumstance shall a determinately sentenced inmate be awarded credit or have credit restored by the department which advances his or her release to a date less than 60 calendar

days from the date the award or restoration of such credit is entered into the department's information technology system, except pursuant to a court order.

(2) The following Release Date Restriction shall commence on May 1, 2019 and supersede the Release Date Restriction in subsection (c)(1). Under no circumstance shall a determinately sentenced inmate be awarded credit or have credit restored by the Department which advances his or her release to a date less than 15 calendar days from the date the award or restoration of such credit is entered into the Department's information technology system, except pursuant to a court order. This restriction shall instead be 45 calendar days for all inmates convicted of an offense subject to the provisions found in subdivision (a) of section 3058.9 of the Penal Code, and 60 calendar days for all inmates serving a term for a violent felony, defined in subdivision (c) of section 667.5 of the Penal Code, except pursuant to a court order.

(d) Participation by Inmates Sentenced as Adults and Housed In the Division of Juvenile Justice or Placed In an Alternative Custody Setting. Inmates sentenced as adults and housed in a facility administered by the department's Division of Juvenile Justice or placed in an alternative custody setting prior to parole, including a pre-parole or re-entry program, are eligible to participate in Good Conduct Credit, Milestone Completion Credit, Rehabilitative Achievement Credit, Educational Merit Credit, and Extraordinary Conduct Credit. Placement in an alternative custody setting means transfer of an inmate, prior to parole, to serve the remainder of his or her term of incarceration in a community based re-entry facility administered by the department in lieu of confinement in a state prison or Department of Forestry and Fire Protection fire camp. For purposes of calculating when an inmate's period of incarceration will be completed pursuant to subdivision (c)(3) of section 1731.5 and subdivision (b) of section 1731.7 of the Welfare and Institutions Code, commencing January 1, 2019, the Department shall consider the Good Conduct Credit, Milestone Completion Credit, and Rehabilitative Achievement Credit that may be earned during the inmate's incarceration.

(e) Participation by Inmates Housed In A Different Jurisdiction. Inmates serving criminal sentences under California law but housed in a different jurisdiction, including those participating in the Western Interstate Corrections Compact, participating in the Interstate Corrections Compact Agreement, housed in a facility administered by a county sheriff, housed in a facility administered by the California Department of State Hospitals, or housed in a facility administered by the Federal Bureau of Prisons, are only eligible to participate in Good Conduct Credit, Educational Merit Credit, and Extraordinary Conduct Credit as described in this article, subject to the criteria set forth in subsection (b).

Section 3043 "Note" is amended to read:

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 3041 ~~and~~, 3051, 3058.6, and 3058.9, Penal Code.

Section 3043.3. Milestone Completion Credit.

Section 3043.3(a) through 3043.3(h) are unchanged but shown for reference.

(a) The award of Milestone Completion Credit requires the achievement of a distinct objective of approved rehabilitative programs, including academic programs, substance abuse treatment programs, social life skills programs, Career Technical Education programs, Cognitive Behavioral Treatment programs, Enhanced Outpatient Program group module treatment programs, or other approved programs with similar demonstrated rehabilitative qualities. To be awarded such credit, the inmate shall participate in all required classroom activities for the duration of the program, to include any subcomponents required in the

curriculum for that program. Passing an exam alone shall not qualify for the award of such credit.

(b) Milestone Completion Credit for completing academic courses related to a high school diploma shall not be awarded to inmates already possessing a high school diploma, high school equivalency approved by the California Department of Education, or college degree.

(c) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all inmates eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Milestone Completion Credit pursuant to this section. The award of Milestone Completion Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Milestone Completion Credit shall be awarded in increments of not less than one week, but no more than twelve weeks in a twelve-month period. Milestone Completion Credit earned in excess of this limit shall be awarded to the inmate on his or her next credit anniversary, defined as one year after the inmate completes his or her first Milestone Completion Credit program, and each year thereafter. Upon release to parole, release to community supervision, or discharge from parole, any excess credit under this section shall be deemed void. If instead an inmate completes one term and immediately begins serving a consecutive term, any excess credit awarded under this section shall be applied to that consecutive term. One week is equivalent to seven calendar days.

(d) A Milestone Completion Credit Schedule (REV 07/18) is hereby incorporated by reference. The schedule identifies all of the approved Milestone Completion Credit programs, the corresponding credit reduction for successful completion of each program, and whether credit for repeating the program is authorized. The department may authorize a program be repeated for credit if there are significant rehabilitative benefits to be gained by those inmates who retake the program.

(e) Standard Performance Criteria. Standard performance criteria for the award of Milestone Completion Credit include the mastery or understanding of course curriculum by the inmate as demonstrated by completion of assignments, instructor evaluations, and testing processes. Within ten business days of completion of an approved credit earning program under this section, the instructor shall verify completion of the program in the department's information technology system. Within ten additional business days, a designated system approver shall verify the inmate's eligibility for such credit.

(f) Modified Performance Criteria.

(1) In lieu of the standard performance criteria, inmates housed in a facility administered by the Department's Division of Juvenile Justice, in an approved prison housing unit with structured, full-time rehabilitative programming, or in an approved alternative custody setting shall be awarded credit under this section in the following increments: three weeks of credit (the equivalent of 21 calendar days) for completion of every three months of program plan activities up to a maximum of twelve weeks of credit in a twelve-month period. Within ten business days of completing three months of program plan activities under this subsection a designated system approver shall be responsible for verifying and awarding credit to such participants.

(2) In lieu of the standard performance criteria, Enhanced Outpatient Program participants, Developmentally Disabled Program participants, and participants in an approved mental health inpatient program, excluding those in a mental health crisis bed, shall be awarded credit under this section upon successfully completing scheduled, structured therapeutic activities in accordance with their mental health treatment plan or, if applicable, their Developmentally Disabled Program, in the following increments: one week of credit (the

equivalent of seven calendar days) for every 60 hours completed up to a maximum of six weeks of credit for 360 hours completed in a twelve-month period. Within ten business days of completing 60 hours of scheduled, structured therapeutic activities under this subsection the Chief of Mental Health at each institution shall be responsible for verifying and awarding credit to such participants.

(g) For purposes of placement in an alternative custody setting the department shall consider the Milestone Completion Credit that may be earned during the inmate's incarceration.

(h) Credit Forfeiture and Restoration. Milestone Completion Credit shall be forfeited in whole-day increments upon a finding of guilt of a serious rule violation in accordance with section 3323, only after all Good Conduct Credit is exhausted. Forfeited credit under this section shall be restored if the disciplinary action is reversed pursuant to an administrative appeal or court of law.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 2933.05 and 3041, Penal Code.

Section 3043.4. Rehabilitative Achievement Credit.

Subsections 3043.4(a) through 3043.4(d) are unchanged but shown for reference.

(a) The award of Rehabilitative Achievement Credit requires verified attendance and satisfactory participation in approved group or individual activities which promote the educational, behavioral, or rehabilitative development of an inmate. To qualify for credit under this section, the purpose, expected benefit, program materials, and membership criteria of each proposed activity, as well as any affiliations with organizations or individuals outside of the department, must be pre-approved by the institution. The meeting frequency and location of each activity shall only be approved under safe and secure conditions. Inmate participation in such activities shall be consistent with his or her custodial classification, work group assignment, privilege group, and other safety and security considerations.

(b) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all inmates eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Rehabilitative Achievement Credit pursuant to this section. The award of Rehabilitative Achievement Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a) (2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole.

(c) Standard Award Increments.

(1) The following Standard Award Increment took effect on August 1, 2017. Rehabilitative Achievement Credit shall be awarded in the following increments: one week of credit for every 52 hours of participation in approved rehabilitative activities up to a maximum of four weeks of credit for 208 hours of participation in a twelve-month period.

(2) The following Standard Award Increment shall commence on May 1, 2019 and supersede the Standard Award Increment in subsection (c)(1). Rehabilitative Achievement Credit shall be awarded in the following increments: 10 calendar days of credit for every 52 hours of participation in approved rehabilitative activities up to a maximum of 40 calendar days of credit for 208 hours of participation in a twelve-month period.

(d) Modified Award Increments.

(1) The following Modified Award Increment took effect on August 1, 2017. Rehabilitative Achievement Credit shall be awarded to inmates housed in a facility administered by the department's Division of Juvenile Justice or placed in an alternative custody setting prior to parole, including a pre-parole or re-entry program, in the following increments: one week of

credit for every three months of participation up to a maximum of four weeks of credit in a twelve-month period.

(2) The following Modified Award Increment shall commence on May 1, 2019 and supersede the Modified Award Increment in subsection (d)(1). Rehabilitative Achievement Credit shall be awarded to inmates housed in a facility administered by the Department's Division of Juvenile Justice or placed in an alternative custody setting prior to parole, including a pre-parole or re-entry program, in the following increments: 10 calendar days of credit for every three months of participation up to a maximum of 40 calendar days of credit in a twelve-month period.

Subsection 3043.4(e) is amended to read:

(e) Award of Excess Credit.

(1) Rehabilitative Achievement Credit earned prior to May 1, 2019, in excess of the four-week limit identified in subsections (c)(1) and (d)(1) during a single year (which shall commence after the inmate earns his or her first week of such credit and each year thereafter) shall be ~~deemed void~~ awarded to the inmate pursuant to subsection 3043.4(e)(2). Upon release to parole, release to community supervision, or discharge from parole, any excess credit under this section shall be deemed void. One week is equivalent to seven calendar days.

(2) Commencing May 1, 2019, Rehabilitative Achievement Credit earned in excess of 40 calendar days in a twelve-month period, as identified in subsections (c)(2) and (d)(2), shall be awarded to the inmate on his or her next credit anniversary, defined as one year after the inmate earns his or her first Rehabilitative Achievement Credit, and each year thereafter. Upon release to parole, release to community supervision, or discharge from parole, any excess credit under this section shall be deemed void. If instead an inmate completes one term and immediately begins serving a consecutive term, any excess credit awarded under this section shall be applied to that consecutive term.

Subsections 3043.4(f) through 3043.4(i) are unchanged but shown for reference.

(f) Under the direction of the Secretary and in conjunction with the Director of the Division of Adult Institutions, every Warden shall periodically (but no less than once per year) issue a separate local rule in compliance with subdivision (c) of section 5058 of the Penal Code for each particular prison or other correctional facility identifying the Rehabilitative Achievement Credit activities which comply with subsection (a) and are approved at that location.

(g) Within ten business days of completing 52 hours of approved activity under this section, staff designated by the Warden at each institution shall verify the inmate's completion of the hours necessary for this credit, confirm the inmate's eligibility to receive this credit, and ensure the credit is awarded to the inmate in the department's information technology system.

(h) For purposes of placement in an alternative custody setting the department shall consider the Rehabilitative Achievement Credit that may be earned during the inmate's incarceration.

(i) Credit Forfeiture and Restoration. Rehabilitative Achievement Credit shall be forfeited in whole-day increments upon a finding of guilt of a serious rule violation in accordance with section 3323, only after all Good Conduct Credit is exhausted. Forfeited credit under this section shall be restored if the disciplinary action is reversed pursuant to an administrative appeal or court of law.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Section 3041, Penal Code.

Section 3043.5. Educational Merit Credit.

Section 3043.5(a) through 3043.5(f) remain unchanged but are shown for reference.

(a) The award of Educational Merit Credit requires the achievement of a significant academic accomplishment which will provide inmates with life-long rehabilitative benefits. Specifically, the achievement of a high school diploma (or high school equivalency approved by the California Department of Education), a collegiate degree (at the associate, bachelor, or post-graduate level), or a professional certificate as an Alcohol and Drug Counselor shall entitle an inmate to the benefits of this credit.

(b) Notwithstanding any other authority to award or limit credit, effective August 1, 2017, all inmates eligible for Good Conduct Credit pursuant to section 3043.2 shall be eligible for Educational Merit Credit pursuant to this section. The award of Educational Merit Credit shall advance an inmate's release date if sentenced to a determinate term or advance an inmate's initial parole hearing date pursuant to subdivision (a)(2) of section 3041 of the Penal Code if sentenced to an indeterminate term with the possibility of parole. Educational Merit Credit shall be awarded in the increments set forth in the schedule below upon demonstrated completion of the corresponding diploma, certificate, or degree:

Category	Description	Credit
1	High School Diploma or High School Equivalency approved by the California Department of Education	90 calendar days (took effect August 1, 2017) 180 calendar days (effective May 1, 2019)
2	Offender Mentor Certification Program (alcohol and other drug counselor certification recognized and approved by the California Department of Health Care Services)	180 calendar days
3	Associate of Arts or Science Degree	180 calendar days
4	Bachelor of Arts or Science Degree	180 calendar days
5	Post-Graduate Degree	180 calendar days

(c) Credit for each category listed in subsection (b) shall only be awarded once to an inmate upon proof the diploma, certificate, or degree was conferred during the inmate's current term of incarceration. Educational Merit Credit for achieving a high school diploma or high school equivalency as approved by the California Department of Education shall not be awarded to inmates already possessing a high school diploma, approved equivalent, or college degree prior to the date the inmate was received in prison for his or her current period of incarceration. Educational Merit Credit shall not be awarded for an associate, bachelor, or post-graduate degree, unless the inmate earned at least 50 percent of the units necessary for that degree while serving his or her current term, the degree was conferred by a regionally accredited institution, and the inmate arranged for an official, sealed copy of their transcript to be sent by the educational institution directly to the Principal at the inmate's institution. Credit for such degrees shall be effective on the date the credit is entered into the department's information technology system. Commencing May 1, 2019, inmates who earned a ~~H~~igh ~~S~~chool ~~D~~iploma or ~~H~~igh ~~S~~chool ~~E~~quivalency that was entered into the Department's information technology system on or after August 1, 2017, through April 30, 2019, shall be awarded an additional 90 calendar days of credit.

(d) Within 30 calendar days of receiving documentation from an inmate indicating completion of an Educational Merit Credit, during the inmate's current term of incarceration, department staff shall verify completion of the diploma, certificate, or degree in the department's information technology system.

(e) Upon release to parole, release to community supervision, or discharge from parole, any excess credit under this section shall be deemed void. If instead an inmate completes one term and immediately begins serving a consecutive term, any excess credit shall be applied to that consecutive term.

(f) Credit Forfeiture. Educational Merit Credit shall not be forfeited due to disciplinary action.

Section 3043.5 “Note” is amended to read:

Note: Authority cited: Cal. Const., art. 1, sec. 32 (b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); and Sections 2053.1 and 3041, Penal Code.

FINAL STATEMENT OF REASONS:

The Initial Statement of Reasons (ISOR) is incorporated by reference.

UPDATES TO THE INITIAL STATEMENT OF REASONS:

On May 28, 2019, the Department submitted a request to the Office of Administrative Law for an emergency readoption of these regulations, pursuant to Penal Code 5058.3. This request was approved on June 19, 2019.

The Notice of Proposed Regulations for Supplemental Reforms to Credit Earning was published in the California Regulatory Notice Register on July 12, 2019 which began the 45-day public comment period. The Notice of Change to Regulations (NCR) #19-04 including the text of the regulations, and the Initial Statement of Reasons, was mailed the same day to persons who requested to be placed on the California Department of Corrections and Rehabilitation (CDCR) mailing list to receive notifications of rulemaking actions. In addition, they were posted on the CDCR internet websites, and copies posted in CDCR institutions.

A public hearing was held on August 30, 2019, and no verbal comments were received during the hearing. During the 45-day public comment period, no written comments were received.

Section 3043(c) was amended to make clear that the 60-day release restriction date that took effect on April 13, 2017, will remain in effect until April 30, 2019. This amendment is necessary so staff and inmates are aware that the original criteria will remain in effect until April 30, 2019, and the effective date for the new criteria is not until May 1, 2019, as outlined in subsection 3043(c)(2). The 45 calendar day release restriction is based on Penal Code section 3058.9 and the 60 calendar day release restriction is based on Penal Code section 3058.6. Because of the different time frame established in each of the above statutes the release date restriction text was modified accordingly.

Subsection 3043.4(c)(2) is adopted to increase the "Standard Award Increment." This increase is intended to further incentivize participation in self-help groups, facilitate inmate rehabilitation, and promote positive behavior. The Department increased the credit earning potential from 7 days for every 52 hours of programming to 10 days for every 52 hours of programming for a maximum of 40 days per year (defined as the 12-month period beginning on the date the inmate completes his or her first 52 hours and annually thereafter) because the Department's experience with the previous credit earning ratio showed that inmates require more incentive to participate in the Rehabilitative Achievement Credit programs that are being offered by the Department. This new ratio represents almost a 50% increase in credit earning potential. The Department will continue to monitor inmate participation to determine if inmate participation in Rehabilitative Achievement Credit programs is at an optimal level for purposes of gaining rehabilitative skills necessary to ensure public safety.

Section 3043.4(d)(2) is adopted to increase the "Modified Award Increment." This increase is intended to further incentivize participation in self-help groups, facilitate inmate rehabilitation, and promote positive behavior. The Department increased the credit earning potential from 7 days for every 52 hours of programming to 10 days for every 52 hours of programming for a maximum of 40 days per year (defined as the 12-month period

beginning on the date the inmate completes his or her first 52 hours and annually thereafter) because the Department's experience with the previous credit earning ratio showed that inmates require more incentive to participate in the Rehabilitative Achievement Credit programs that are being offered by the Department. This new ratio represents almost a 50% increase in credit earning potential. The Department will continue to monitor inmate participation to determine if inmate participation in Rehabilitative Achievement Credit programs is at an optimal level for purposes of gaining rehabilitative skills necessary to ensure public safety.

DETERMINATIONS, ASSESSMENTS, MANDATES, AND FISCAL IMPACT:

The Department has determined that no alternative considered would be more effective in carrying out the purpose for which this regulation is proposed, or would be as effective and less burdensome to affected private persons, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law, than the action proposed. No reasonable alternatives were brought to the attention of the Department that would alter the Department's initial determination.

These regulations enhance and expand credit earning opportunities and will benefit our criminal justice system and communities by continuing to create incentives and opportunities for inmates to take responsibility for their conduct and encouraging inmates to pursue educational and rehabilitative opportunities. This in turn will help better prepare them to find employment upon release, thus reducing recidivism. In addition, these incentives will improve inmate behavior and reduce violence in prisons; making conditions safer for inmates and Department staff.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony or other evidence provided that would alter the CDCR's initial determination.

The Department has determined that this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4 of the Government Code.

The Department has determined this action imposes no mandates on local agencies or school districts; no fiscal impact on local government or Federal funding to the State, or private persons. The Department has determined the following fiscal impact on the State agency:

Savings: Fiscal Year 2018-19 = \$43,000
Savings: Fiscal Year 2019-20 = \$13,404,000
Savings: Fiscal Year 2020-21 = \$14,510,000
Savings: Fiscal Year 2021-22 = \$16,021,000
Savings: Fiscal Year 2022-23 = \$18,308,000

PUBLIC HEARING COMMENTS:

A public hearing was held on August 30, 2019, at 10:00 a.m. No one provided public comment at the hearing.