



Department of Corrections and Rehabilitation
NOTICE OF CHANGE TO REGULATIONS

Sections: 3000, 3061, 3105, 3133, 3138, 3162, and 3165	NCR Number: 20-02	Publication Date: March 6, 2020	Effective Date: To Be Determined
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INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendment of Sections 3000, 3061, 3105, 3133, 3138, 3162, and 3165 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Indigent Inmates.

PUBLIC COMMENT PERIOD

The public comment period will close on **April 22, 2020**. Any person may submit written comments about the proposed regulations by mail to the California Department of Corrections and Rehabilitation (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received or postmarked no later than **April 22, 2020**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **on April 22, 2020, from 9:00 a.m. to 10:00 a.m. in Conference Room 100N, located at 1515 S Street, North Building, Sacramento, CA 95811**. The purpose of the hearing is to receive comments about this action. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written comments submitted during the prescribed comment period are given the same significance and weight as verbal comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to inmates, parolees, and employees in each Department facility and field office not later than five calendar days after receipt. Also, institutions and facilities shall make this Notice available for review by inmates in segregated housing who do not have access to the posted copies, and shall distribute it to inmate law libraries and advisory councils. CDCR Form 621-A (Rev. 04/18), Certification of Posting, shall be returned to RPMB by mail or email. See Department Operations Manual Sections 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Josh Jugum, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (916) 445-2269, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Ruben Jimenez, Division of Adult Institutions, at (916) 327-5305.

Original Signed By:

JEFFREY MACOMBER
Undersecretary, Administration
California Department of Corrections and Rehabilitation

Attachments

NOTICE OF PROPOSED REGULATIONS
California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the Department), proposes to amend Sections 3000, 3061, 3105, 3133, 3138, 3162, and 3165 of Title 15, Division 3, Chapter 1, of the California Code of Regulations regarding Indigent Inmates.

PUBLIC HEARING

Date and Time: **April 22, 2020 – 9:00 am to 10:00 am**
Place: Department of Corrections and Rehabilitation
Conference Room 100N
1515 S Street – North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **March 6, 2020** and closes on **April 22, 2020**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rmb@cldr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

<u>Primary Contact</u>	<u>Back-Up</u>	<u>Program Contact</u>
Josh Jugum	Y. Sun	R. Jimenez
Telephone: (916) 445-2266	Telephone: (916) 445-2269	Telephone: (916) 327-5305
Regulation and Policy Management Branch	Regulation and Policy Management Branch	Division of Adult Institutions
P.O. Box 942883	P.O. Box 942883	
Sacramento, CA 94283-0001	Sacramento, CA 94283-0001	

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of a regulation on an emergency basis.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Assembly Bill 2533, approved by the Governor in September 2018, amended PC Section 5007.7 to establish a definition of indigent inmate and to establish that such inmates must be provided with basic supplies necessary for maintaining personal hygiene as well as sufficient resources to communicate with and access the courts.

This action will:

- Amend the definition of the term indigent inmate, pursuant to PC Section 5007.7.
- Codify the Department's existing practice of providing all inmates with basic supplies necessary for maintaining hygiene, and establish minimum standards.
- Establish that indigent inmates shall be provided with the services of a notary free of charge, pursuant to PC Section 5007.7.

DOCUMENTS INCORPORATED BY REFERENCE

None

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulations will bring the Department into compliance with statute, and ensure indigent inmates are provided with necessary supplies to maintain hygiene, as well as free access to notary services to ensure access to the courts.

EVALUATION OF CONSISTENCY / COMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations may benefit the welfare of California residents by ensuring indigent inmates have necessary hygiene supplies and access to the courts, thus providing an environment more conducive to rehabilitation.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

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

Title 15, Crime Prevention and Corrections, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

Section 3000 is amended to alphabetically merge the definition below with existing definitions in this section.

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Indigent Inmate means an inmate who ~~is wholly without funds at the time they were eligible for withdrawal of funds for canteen purchases~~ has maintained an inmate trust account with twenty-five dollars (\$25) or less for 30 consecutive days.

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Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5007.7, 5009, 5050, 5054, 5068, 7000 et seq., 11180 and 11191, Penal Code; Sections 1132.4, 1132.8, and 1203(b)(1), Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

Article 5. Personal Cleanliness

3061. Personal Hygiene.

(a) Inmates must keep themselves clean, and practice those health habits essential to the maintenance of physical and mental well-being. All inmates shall receive basic supplies necessary for maintaining personal hygiene. Inmates shall be provided products for washing hands, bathing, oral hygiene, and other personal hygiene, including but not limited to: soap, toothpaste or toothpowder, toothbrush, and toilet paper.

Comment: Former DR-1501, personal hygiene.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5007.7 and 5054, Penal Code.

Subchapter 2. Inmate Resources

Article 2. Handicraft

3105. Handicraft Program Assistance to Indigent Inmates.

(a) The institution head or their designee may authorize loans from the inmate welfare fund (IWF) to help indigent inmates, as defined in section 3000, purchase materials for their initial or continued participation in the handicraft program. The institution head or their designee shall establish a limit on the dollar amount of IWF loans. A hold for the amount of the loan shall be placed on the trust account of such an inmate until the loan is fully repaid.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2813, 5006 and 5054, Penal Code.

Article 4. Mail

3133. Definitions and Disposition of Mail.

Subsections 3133(a) through 3133(a)(4) are unchanged.

Subsection 3133(a)(5) is repealed.

~~(5) For purposes of this article, the definition of indigent inmate is an inmate who has \$1.00 or less in their Inmate Trust Account for 30 consecutive days.~~

Subsections 3133(b) through 3133(h) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; Procnier v. Martinez, 416 U.S. 396; and Bell v. Wolfish, 99 S. Ct 1861.

3138. Indigent Inmates.

Subsection 3138(a) is amended.

~~(a) Upon an indigent inmate's request~~ the request of an indigent inmate, as defined in Section 3000, writing paper, envelopes, a writing implement, and the postage required for five 1-ounce First-Class letters per week shall be supplied. Inmates are not allowed to trade, transfer, or swap indigent inmate supplies with another inmate.

Subsection 3138(b) and 3138(c) are unchanged.

(d) Indigent envelopes issued to an inmate become their property. The inmate shall be allowed to utilize the envelopes regardless of current financial status. A charge shall not be placed against future deposits to the inmate's trust account to recover the cost of materials and postage provided, while the inmate was indigent ~~as defined in subsection 3133(a)(5).~~

Subsections 3138(e) through 3138(i) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; and Procnier v. Martinez, 416 U.S. 396; and Bell v. Wolfish, 99 S. Ct. 1861.

Article 6. Legal Documents

3162. Legal Forms and Duplication Services.

Subsection 3162(a) is repealed.

~~(a) For purposes of this article, an indigent inmate means an inmate who currently has and for the previous 30 consecutive days has maintained \$1.00 or less in his or her inmate trust account.~~

Former subsections 3162(b) through 3162(e) are renumbered to 3162(a) through 3162(d).

~~(b)~~ Legal duplication services may be provided to inmates for the purposes of initiating or maintaining a court action. The printed forms required by state and federal courts shall be made available to inmates. An inmate shall be required to pay for the duplication of printed forms and other written or typed materials, and for any special paper and envelopes required for mailing to the courts so long as the inmate has more than ~~\$1.00~~ \$25.00 in his or her trust account or the inmate has attorney representation for the court action. ~~An inmate who is indigent and~~ indigent inmate as defined in section 3000, who is without attorney representation for the court action, may receive legal duplicating services without charge subject to subsection ~~(d)~~.

~~(c)~~ A legal document to be duplicated for any inmate, including all exhibits and attachments, shall be limited to the maximum number of pages needed for the filing, not to exceed 50 pages in total length, except when necessary to advance litigation. The inmate shall provide to designated staff a written explanation of the need for excess document length.

~~(d)~~ Subject to the length requirements of subsection 3123~~(c)~~, an indigent inmate who does not have attorney representation may receive duplication services without charge for the following legal documents to a court:

Subsections 3162(c)(1) through (c)(10) (formerly 3162(d)(1) through (d)(10)) are unchanged.

~~(e)~~ The authority to place restrictions on duplication services for any reason as described in this section shall not be delegated to staff below the level of correctional captain unless the person is designated by the Warden. The reasons for any restrictions on the services provided an inmate shall be documented on a CDC Form 128-B (Rev. 4.74), General Chrono, and placed in the inmate's central file.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5007.7 and 5054, Penal Code.

3165. Mailing Legal Documents.

Subsections 3165(a) through 3165(d) are amended.

(a) The mailing of legal documents to courts and claims to the ~~California Victim's Compensation and Government Claims Board (VCGCB) Department of General Services, Office of Risk and Insurance Management (DGS ORIM)~~ is the inmate's responsibility. Mail designated by the inmate as legal mail will be delivered to the facility mail room for inspection, pursuant to Sections 3144 and 3145, and mailing in accordance with local facility mail procedures. The mail

room shall maintain a current address list of federal, state, county, appellate, and district courts. The mail room will send mail out each working day.

(b) With each transmittal of mail to a court or claim filed with the ~~VCGCB~~ DGS ORIM requiring the addition of postage, the inmate must submit a signed CDC Form 193, Trust Account Withdrawal Order. The mail room will remove the trust account withdrawal order, enter the amount of postage required, and forward the order to the trust office for processing. Mail addressed to a court or claims addressed to the ~~VCGCB~~ DGS ORIM will be posted on the inmate's CDC Form 119, Mail Record.

(c) Notarization of legal documents ~~is not normally~~ shall be available at all institutions required by the courts and will not be provided as a free service to any inmate, indigent or not. Inmates ~~must~~ shall pay the established notary fee for such service unless the inmate is indigent as defined in Section 3000. When inmates request notarization, they shall indicate what document they request to have notarized.

(d) The cost of postage for mailing documents to the courts ~~will~~ shall be charged against an inmate's trust account unless the inmate ~~was~~ is indigent, ~~as defined in subsection 3162(a),~~ at the time the documents ~~were~~ are submitted for mailing.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5007.7, Penal Code; In re Jordan, 7 Cal. 3rd 930 (1972).

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR or the Department) proposes to amend the California Code of Regulations (CCR), Title 15, Division 3, Sections 3000, 3061, 3105, 3133, 3138, 3162, and 3165 regarding indigent inmates.

On September 26, 2018, Assembly Bill (AB) 2533 was codified in Penal Code Section 5007.7. AB 2533 provides that an inmate who has maintained an inmate trust account with \$25 or less for 30 consecutive days shall be deemed indigent. This bill also provides that an indigent inmate must receive basic supplies necessary for maintaining personal hygiene and for sufficient resources to access the courts.

Existing CDCR regulations define an indigent inmate to mean an inmate who is wholly without funds at the time of a canteen purchase. Existing regulations also do not make provisions for indigent inmates regarding their personal hygiene. Existing regulations specify resources that are available for indigent inmates to access the courts but with an exemption for notary services.

The proposed regulatory amendment is necessary to fully implement AB 2533. The amended regulations align the regulatory definition of indigent inmate with the definition set forth in AB 2533. The amended regulations also provide that indigent inmates shall receive supplies to maintain their personal hygiene. Finally, the amended regulations clarify, for purposes of inmate access to the courts, that notarization of legal documents shall be available at all institutions, and that inmates must pay the fee for notary services unless they are indigent.

CONSIDERATION OF ALTERNATIVES:

The Department must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Currently, no reasonable alternatives have been brought to the attention of the Department that would alter the Department's initial determination.

ECONOMIC IMPACT ASSESSMENT:

In accordance with Government Code Section 11346.3(b), CDCR has made the following assessments regarding the proposed regulations:

Significant Adverse Economic Impact on Business

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations affect only the internal management of CDCR institutions.

Creation of New or Elimination of Existing Jobs within the State of California

The Department has determined that the proposed regulations will not have an impact on the creation of new, or the elimination of existing, jobs within California. The proposed regulations place no requirements or restrictions on businesses inside or outside of California, as they affect only the internal management of CDCR institutions.

Creation of New or Elimination of Existing Businesses within the State of California

The Department has determined that the proposed regulations will not have an impact on the creation, expansion or elimination of new or existing business within California. The proposed regulations place no requirements or restrictions on businesses inside or outside of California, as they affect only the internal management of CDCR institutions.

Expansion of Businesses Currently Doing Business in the State of California

The Department has determined that the proposed regulations will not have an impact on the expansion of businesses currently doing business in California. The proposed regulations place no requirements or restrictions on businesses inside or outside of California, as they affect only the internal management of CDCR institutions.

BENEFITS OF THE REGULATIONS:

This action will help ensure indigent inmates have necessary items for basic hygiene, as well as access to a notary. This may benefit the welfare of California residents by helping provide these inmates with an environment more conducive to rehabilitation, which may reduce recidivism.

REPORTS RELIED UPON:

CDCR, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE SECTION 11346.2(b)(1):

3000. Definitions is amended to revise the definition of an indigent inmate, consistent with the definition established by Penal Code Section 5007.7.

3061. Personal Hygiene is amended to establish that the Department will provide basic supplies necessary for maintaining hygiene to all inmates. The Department already provides hygiene supplies on a regular basis to all inmates. This language will codify the existing process in regulations and establish minimum standards. The items provided are necessary for maintaining hygiene. The Department is using the language “including but not limited to” because not all inmates at all institutions will necessarily receive exactly the same items (e.g., female inmates receive feminine hygiene products while male inmates do not). These amendments are necessary both to codify existing processes and to establish that the Department is already meeting the requirement of PC Section 5007.7, which requires that indigent inmates receive “basic supplies necessary for maintaining personal hygiene.”

3105. Handicraft Program Assistance to Indigent inmates is amended to add a reference to the definition of an indigent inmate in Section 3000 for clarification purposes.

3133. Definitions and Disposition of Mail.

Subsections 3133(a)(1) through 3133(a)(4) are unchanged.

Subsection 3133(a)(5) is repealed as the language is no longer accurate. Pursuant to PC Section 5007.7, the definition of indigent inmate is now established in Section 3000.

Subsections 3133(b) through 3133(h) are unchanged.

3138. Indigent Inmates.

Subsection 3138(a) is amended to add a reference to the newly adopted definition of an indigent inmate in Section 3000 for clarification purposes.

Subsections 3138(b) and 3138(c) are unchanged.

Subsection 3138(d) is amended to remove a cross-reference to subsection 3133(a)(5), as this subsection is being deleted as part of this rulemaking action (see above).

Subsections 3138(e) through 3138(i) are unchanged.

3162. Legal Forms and Duplication Services.

Subsection 3162(a) is repealed as the language is no longer accurate. Pursuant to PC Section 5007.7, the definition of indigent inmate is established in Section 3000.

Former Subsection 3162(b) is renumbered to 3162(a) and amended to revise from more than \$1 to more than \$25.00 the dollar amount which an inmate may have in his or her trust account to not be considered indigent, consistent with PC Section 5007.7. This subsection is also amended to add a reference to the definition of an indigent inmate in Section 3000 for clarification purposes.

Former Subsection 3162(c) is renumbered to 3162(b) and is unchanged.

Former Subsection 3162(d) is renumbered to 3162(c) and is amended to correct a cross-reference.

Former Subsections 3162(d)(1) through (d)(10) are renumbered to 3162(c)(1) through (c)(10) and are unchanged.

Subsection 3162(e) is amended renumbered to 3162(d) and is unchanged.

3165. Mailing Legal Documents.

Subsections 3165(a) and 3165(b) are amended to replace references to the California Victim's Compensation and Government Claims Board with references to the Department of General Services, Office of Risk and Insurance Management, to reflect changes to the organization of California government agencies.

Subsection 3165(c) is amended to establish that notarization of legal documents shall be available at all institutions, and that all inmates who are not indigent as defined in Section 3000

must pay for such services. PC Section 5007.7 explicitly requires that indigent inmates be provided with the services of a notary for the purpose of notarizing a signature on a document. A new provision establishes that inmates must indicate what documents they are requesting to have notarized when requesting the services of a notary. This is to ensure that the documents the inmate requests to have notarized legitimately require notarization (e.g., legal rather than personal documents) prior to engaging the services of a notary.

Subsection 3165(d) is amended to replace “will” with “shall” and “was” with “is” for improved clarity. Additionally, this subsection is amended to remove a cross-reference to subsection 3162(a), as this subsection is being deleted as part of this rulemaking action (see above).