



Department of Corrections and Rehabilitation
NOTICE OF CHANGE TO REGULATIONS

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|-----------------------------------|------------------------------------|---|--|
| Sections: 3075.2 | NCR Number: 20-06 | Publication Date: May 15, 2020 | Effective Date: To Be Announced |
|-----------------------------------|------------------------------------|---|--|

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendment of Section 3075.2 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Release Funds for Exonerated Persons.

PUBLIC COMMENT PERIOD

The public comment period will close on **July 2, 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 **July 2, 2020**.

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 Section 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to S. Pollock, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (916) 445-2308, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Walter Mazza, Accounting Services Branch, at (661) 664-3417.

Original Signed By:

JEFF 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 Department), proposes to amend Section 3075.2 of Title 15, Division 3, Chapter 1, regarding Release Funds for Exonerated Persons.

PUBLIC COMMENT PERIOD

The public comment period begins **May 15, 2020** and closes on **July 2, 2020**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpbm@cdcr.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.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

CONTACT PERSONS

Primary Contact

S. Pollock
Telephone: (916) 445-2308
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Walter Mazza
Telephone: (661) 664-3417
Accounting Services Branch

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

Current regulations provide that inmates/parolees shall receive a release allowance as specified in Penal Code Section 2713.1, which in most circumstances provides a release allowance in the amount of two hundred dollars (\$200).

Due to the passage of Senate Bill 1050, Penal Code 3007.05(d) was amended to provide that “[I]n addition to any other payment to which the person is entitled to by law, a person who is exonerated shall be paid the sum of one thousand dollars (\$1000) upon release, from funds to be made available upon appropriation by the Legislature for this purpose.”

This action will:

- Revise Section 3075.2, Releases, to adopt new language concerning exonerated inmates, and specify that they shall be paid the sum specified in Penal Code Section 3007.05(d).
- Update the CDCR Form 102, Release Statement, to provide for the new allowance that will be provided to exonerated persons.
- Provide instruction regarding the disbursement and method of payment for funds provided to exonerated persons.

DOCUMENTS INCORPORATED BY REFERENCE

The CDCR Form 102 (Rev. 08/19), Release Statement, is incorporated by reference and a copy is provided in this rulemaking action.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed amendments will update the California Code of Regulations to comply with the new Penal Code requirements, and provide current information and instructions on the issuance of funds for exonerated individuals. This will allow CDCR staff to process these funds in a timely manner, providing the highest level of service for exonerated persons, and assisting them with the reintegration process.

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. This was determined by performing a search of 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: | <i>\$5,000</i> |
| • Cost to any local agency or school district that is required to be reimbursed: | <i>None</i> |
| • Other nondiscretionary cost or savings imposed on local agencies: | <i>None</i> |
| • Cost or savings in federal funding to the State: | <i>None</i> |

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 helping to provide greater financial assistance to exonerated persons, which will assist them with reintegration back into their communities.

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, 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 6.5. Intake, Release, and Discharge of Inmates

Section 3075.2. Releases.

[Section 3075.2(a) through 3075.2(b)(5)(B) are unchanged.]

[Section 3075.2(c) is unchanged, but is shown for reference purposes.]

(c) Release Clearances.

[Section 3075.2(c)(1) is amended to read:]

(1) Before release, an inmate shall be provided a CDC Form 162 (Rev. 1/66), ~~Inmate~~ Release Clearance, to obtain the signature indicating the release clearance of the facility officials as designated thereon, and return the form to the facility's receiving and release office.

[Section 3075.2(c)(2) is unchanged, but is shown for reference purposes.]

(2) The original CDC Form 122 (Rev. 12/85), Property Receipt-Release, which is completed by receiving and release staff, shall be provided to the inmate before release.

[Section 3075.2(c)(3) is amended to read:]

(3) At the time of release, the inmate shall be presented a CDCR Form 102 (Rev. ~~08/18~~ 08/19), Release Statement, which is hereby incorporated by reference, to sign acknowledging receipt of any California identification card, medical card, debit card, cash, checks, transportation voucher, and clothing or any combination thereof. Failure by the inmate to sign the CDCR Form 102 shall not be justification for withholding either the inmate's release allowance or any trust account funds as described in Subsections 3075.2(d) and 3075.2(d)(1).

[Sections 3075.2(d) through 3075.2(e)(1) are unchanged.]

[New Sections 3075.2(f) through 3075.2(f)(3) are adopted to read:]

(f) Exonerated Inmates.

(1) In addition to any other payment to which he or she is entitled to by law, each person who is exonerated shall be paid the sum specified in PC Section 3007.05(d).

(2) The CDCR Form 102 (Rev. 08/19), Release Statement, Section I, shall have the Exonerated checkbox marked.

(3) Due to limits described in Section 3075.2(d)(3), the payment of the allowance to the exonerated individual will be by check.

Note: Authority cited: Sections 2713.1, 3000.03, 5058 and 5058.3, Penal Code. Reference: Sections 290, 457.1, 1168, 1170, 1170.05, 2713.1, 2901, 2962, 3007.05(d), 3053.5, 3060.7, 3067, 3450, 3452, 3453, 3454, 5054, 11175, 11176 and 11180, Penal Code; ~~Section 11592, Health and Safety Code~~; Sections 6600, 6601 and 6604, Welfare and Institutions Code; and *Sabatasso v. Superior Court* (2008) 167 Cal. App. 4th 791, 797.

RELEASE STATEMENT

CDCR 0102 (Rev. 08/19)

| | | | | |
|---------------------|---------------|-----------------------------------|-------------------------------------|---------------------------|
| CDCR NUMBER: | PID NUMBER: | DATE OF BIRTH: | RELEASING INSTITUTION: | RELEASE STATEMENT NUMBER: |
| INCARCERATION DATE: | RELEASE DATE: | AUTHORIZED STATE ALLOWANCE: \$ | RELEASEE'S NAME: | |
| PAROLE FIELD UNIT: | | | DESTINATION AND FORWARDING ADDRESS: | |

I. RELEASE TYPE (CHECK ONE): (see page 2 for acronyms)

- | | | | |
|--|--|------------------------------------|---|
| <input type="checkbox"/> ACP | <input type="checkbox"/> CCTRP/MCRP | <input type="checkbox"/> Discharge | <input type="checkbox"/> Exonerated |
| <input type="checkbox"/> Medical Parole | <input type="checkbox"/> Parole | <input type="checkbox"/> PRCS | <input type="checkbox"/> Release to DSH |
| <input type="checkbox"/> Release to HOLD | <input type="checkbox"/> Release to U.S. ICE | <input type="checkbox"/> WFP | <input type="checkbox"/> Other (Specify): |

II. APPROVED

| | | |
|---------------------------------------|--------------------------------------|-------|
| WARDEN'S REPRESENTATIVE – Print Name: | WARDEN'S REPRESENTATIVE – Signature: | DATE: |
|---------------------------------------|--------------------------------------|-------|

III. CLOTHING AUTHORIZATION (CHECK ALL THAT APPLY):

- | | | |
|--|---|--|
| <input type="checkbox"/> Top - Shirt/Blouse/Sweat Shirt | <input type="checkbox"/> Bottom - Pants/Sweat Pants | <input type="checkbox"/> Undergarments |
| <input type="checkbox"/> Outerwear - Jacket/Coat/Sweater | <input type="checkbox"/> Footwear - Boots/Shoes/Sandals | Clothing Cost: \$ |

IV. IDENTIFICATION CARDS

| | |
|----------------------------|----------------------|
| CALIFORNIA (CA) ID NUMBER: | MEDICAL CARD NUMBER: |
|----------------------------|----------------------|

V. RESOURCES AND DISTRIBUTION:

| | | Amount: |
|---|---|---|
| A. Personal Resources | a. Debit Card RPID Number: _____ | \$ _____ |
| | b. Trust Check Number: _____ | \$ _____ |
| | c. Bonds and Securities: _____ | \$ _____ |
| | Total Personal Resources: (a+b+c) | \$ _____ |
| B. Exonerated Allowance | a. State Check# _____ | Total Exonerated Allowance: \$ _____ |
| C. State Release Allowance | a. Total State Allowance | \$ _____ |
| | b. Less Clothing (From Section III) | \$ _____ |
| | c. Less Transportation Charges (Voucher # _____) | \$ _____ |
| | d. Less Advance to Temporary Release | \$ _____ |
| * State Allowance Disbursed By: (CHECK ONE) | Net State Allowance: (a to d) | \$ _____ |
| Debit Card: RPID # _____ | State Check: Check # _____ | Cash |
| Debit Card Activation Date: _____ | | (ACP/CCTRP/MCRP or Contingency) |

| | |
|--|---|
| NOTE TO RELEASEE: To avoid being charged the monthly service fee, remove all funds from debit card within 30 days of activation date above. See back of this form for the schedule of fees. | Total loaded to debit card: \$ _____ |
|--|---|

VI. SIGNATURES AND ACKNOWLEDGEMENTS

| | | |
|---|-----------------------|-------|
| I hereby acknowledge receipt of one or more of the following: CA ID Card; medical card; clothing; debit card with terms and conditions; instructional flyer; check(s); cash; and/or transportation voucher, as indicated above; and the schedule of fees on the reverse of this document. | RELEASEE SIGNATURE: | DATE: |
| | WITNESS - Print Name: | DATE: |
| | WITNESS - Signature: | |

Schedule of fees associated with debit card. (Fees imposed by debit card contractor and third-party vendors.)

| FEE SCHEDULE | |
|--|---|
| Automated Teller Machine (ATM) (Affiliated with debit card contractor) | Free |
| ATM Machine (Not affiliated with debit card contractor)* | Third-party fees may apply, PER TRANSACTION |
| Point of Sale (POS) Transaction* | Third-party fees may apply, PER TRANSACTION |
| <i>*Third-party vendors and merchants may charge a fee for Automated Teller Machines (ATM) and Point-of-Sale (POS) transactions. *Such charges are not controlled by contractor.</i> | |
| DECLINED ATM Withdrawal or POS transaction | \$ 1.00 PER DECLINED TRANSACTION |
| Monthly Service Fee** | \$ 3.00 |
| <i>**Monthly service fee charged 30 days after <u>activation</u> and for each month the card carries a balance. SEE CARD ACTIVATION DATE ON FRONT. To avoid this fee, remove all funds from the card within 30 days of the activation date.</i> | |
| Replace Card Fee (PER OCCURRENCE) | \$ 5.00 |
| Close Card Fee (Close card fee only charged if the debit card holder requests the remaining balance on the card to be paid by check.) | \$ 9.95 |

| ACRONYM | TITLE |
|------------|--|
| ACP | Alternative Custody Program |
| CCTRP/MCRP | Custody to Community Transitional Reentry Program/Male Community Reentry Program |
| DSH | Department of State Hospitals |
| PID | Prisoner Identification Number |
| PRCS | Post-Release Community Supervision |
| U.S. ICE | United States Immigration and Customs Enforcement |
| WFP | Women and Family Program |

Clear Form

Print Form

| | | | | |
|---------------------|---------------|-------------------------------------|------------------------|---------------------------|
| CDCR NUMBER: | PID NUMBER: | DATE OF BIRTH: | RELEASING INSTITUTION: | RELEASE STATEMENT NUMBER: |
| INCARCERATION DATE: | RELEASE DATE: | AUTHORIZED STATE ALLOWANCE: \$ | RELEASEE'S NAME: | |
| PAROLE FIELD UNIT: | | DESTINATION AND FORWARDING ADDRESS: | | |

I. RELEASE TYPE (CHECK ONE):

- | | | | |
|--|-------------------------------------|---|--|
| <input type="checkbox"/> ACP | <input type="checkbox"/> CCTRP/MCRP | <input type="checkbox"/> Discharge | <input type="checkbox"/> Medical Parole |
| <input type="checkbox"/> Parole | <input type="checkbox"/> PRCS | <input type="checkbox"/> Release to DSH | <input type="checkbox"/> Release to HOLD |
| <input type="checkbox"/> Release to U.S. ICE | <input type="checkbox"/> WFP | <input type="checkbox"/> Other (Specify): _____ | |

II. APPROVED

| | | |
|---------------------------------------|--------------------------------------|-------|
| WARDEN'S REPRESENTATIVE - Print Name: | WARDEN'S REPRESENTATIVE - Signature: | DATE: |
|---------------------------------------|--------------------------------------|-------|

III. CLOTHING AUTHORIZATION (CHECK ALL THAT APPLY):

- | | | |
|--|---|--|
| <input type="checkbox"/> Top - Shirt/Blouse/Sweat Shirt | <input type="checkbox"/> Bottom - Pants/Sweat Pants | <input type="checkbox"/> Undergarments |
| <input type="checkbox"/> Outerwear - Jacket/Coat/Sweater | <input type="checkbox"/> Footwear - Shoes/Boots/Sandals | Clothing Cost: \$ |

IV. IDENTIFICATION CARDS

| | |
|----------------------------|----------------------|
| CALIFORNIA (CA) ID NUMBER: | MEDICAL CARD NUMBER: |
|----------------------------|----------------------|

V. RESOURCES AND DISTRIBUTION:

| | | Amount: |
|---|--|----------------|
| A. Personal Resources | | |
| a. Debit Card RPID Number: _____ | | \$ _____ |
| b. Trust Check Number: _____ | | \$ _____ |
| c. Bonds and Securities: <input type="checkbox"/> | | \$ _____ |
| Total Personal Resources: (a+b+c) | | \$ 0.00 |
| B. State Allowance | | |
| a. Total State Allowance | | \$ 0.00 |
| b. Less Clothing (From Section III) | | \$ 0.00 |
| c. Less Transportation Charges (Voucher # _____) | | \$ _____ |
| d. Less Advance to Temporary Release | | \$ _____ |
| Net State Allowance: (a to d) | | \$ 0.00 |

***State Allowance Disbursed By (select one):**

- | | | |
|--|---|---|
| <input type="checkbox"/> Debit Card: RPID # _____ Debit Card Activation Date: _____ | <input type="checkbox"/> State Check: Check # _____ | <input type="checkbox"/> Cash (ACP/CCTRP/MCRP) or Contingency |
|--|---|---|

| | |
|--|---------------------------------------|
| NOTE TO RELEASEE: To avoid being charged the monthly service fee, remove all funds from debit card within 30 days of activation date above. See back of this form for the schedule of fees. | Total loaded to debit card: \$ |
|--|---------------------------------------|

VI. SIGNATURES AND ACKNOWLEDGEMENTS

| | | |
|---|------------------------------|-------|
| I hereby acknowledge receipt of one or more of the following: CA ID Card; medical card; clothing; debit card with terms and conditions; instructional flyer; check(s); cash; and/or transportation voucher, as indicated above; and the schedule of fees on the reverse of this document. | RELEASEE SIGNATURE: | DATE: |
| | WITNESS - Print Name: | DATE: |
| | WITNESS - Signature: | |

RELEASE STATEMENT

CDCR 102 (Rev. 08/18)

Page 2 of 2

Schedule of fees associated with debit card. (Fees imposed by debit card contractor and third-party vendors.)

| FEE SCHEDULE | |
|--|---|
| Automated Teller Machine (ATM) (Affiliated with debit card contractor) | Free |
| ATM Machine (Not affiliated with debit card contractor)* | Third-party fees may apply, PER TRANSACTION |
| Point of Sale (POS) Transaction* | Third-party fees may apply, PER TRANSACTION |
| <p><i>*Third-party vendors and merchants may charge a fee for Automated Teller Machines (ATM) and Point-of-Sale (POS) transactions.</i></p> <p><i>*Such charges are not controlled by contractor.</i></p> | |
| DECLINED ATM Withdrawal or POS transaction | \$ 1.00 PER DECLINED TRANSACTION |
| Monthly Service Fee** | \$ 3.00 |
| <p><i>**Monthly service fee charged 30 days after <u>activation</u> and for each month the card carries a balance.</i></p> <p>SEE CARD ACTIVATION DATE ON FRONT.</p> <p><i>To avoid this fee, remove all funds from the card within 30 days of the activation date.</i></p> | |
| Replace Card Fee (PER OCCURRENCE) | \$ 5.00 |
| Close Card Fee (Close card fee only charged if the debit card holder requests the remaining balance on the card to be paid by check.) | \$ 9.95 |

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend Section 3075.2 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Releases.

Currently, Penal Code (PC) 2713.1 provides that “In addition to any other payment to which he is entitled by law, each prisoner upon his release shall be paid the sum of two hundred dollars (\$200),...” and Section 3075.2 of Title 15, Division 3, reflects this language.

However, in October 2019, Senate Bill 1050 amended PC Section 3007.05(d) to provide that exonerated persons shall be paid the sum of one thousand dollars upon his or her release. Funds are to be made available upon appropriation by the Legislature.

People who are wrongfully convicted of crimes lose much more than their freedom. They often lose jobs, homes, family, and community as well. The collateral consequences of incarceration can act as a barrier to adequate housing and employment. Recently released individuals do not have traditionally recognized work history or credit history, which affects their ability to find and obtain employment and housing. Several years in prison stands as an obvious and difficult to explain gap in employment and rental history. Without access to housing, the exonerated individual is forced to either rely on friends and family, or resort to homelessness. The additional release funds provided to exonerated persons will better help to assist those that were wrongfully convicted to obtain housing and to reintegrate back into the community.

The proposed amendments will bring the Department into compliance with PC Section 3007.05(d), and will update the CDCR Form 102, Release Statement, to provide for the new allowance that will be provided to exonerated persons.

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 which would alter the Department’s initial determination.

ECONOMIC IMPACT ASSESSMENT:

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

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

The Department has determined that the proposed regulations will have no impact on the creation of new, or elimination of existing jobs within California, as the proposed regulations only affect payment to exonerated inmates being released.

Creation of New, Expansion, or the Elimination of Existing Businesses Currently doing Business within the State of California

The Department has determined the proposed regulations will have no impact on the creation of new, expansion, or the elimination of existing businesses currently doing business within California, as the proposed regulations only affect payment to exonerated inmates being released.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Department has determined that other than providing greater financial assistance to exonerated persons for their rehabilitative needs, the proposed regulations will not have an impact on the health and welfare of California residents, worker safety, or the State's environment, as the proposed regulations only affect payment to exonerated inmates being released.

Significant Adverse Economic Impact on Business

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

The proposed regulations affect the internal management of prisons only, and place no requirements or restrictions on businesses.

BENEFITS OF THE REGULATIONS:

The proposed amendments will update the California Code of Regulations to comply with the new Penal Code requirements, and provide current information and instructions on the issuance of funds for exonerated individuals. This will allow CDCR staff to process these funds in a timely manner, providing the highest level of service for exonerated persons, and assisting them with the reintegration process.

DOCUMENTS RELIED UPON:

In proposing additions and/or amendments to these regulations, the Department 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):

Section 3075.2(c)(1) is amended to correct the reference to the title of the CDC Form 162 by removing the word “Inmate,” as the form is correctly titled “Release Clearance.” No changes have been made to this form which has already been incorporated by reference in the regulations.

Section 3075.2(c)(3) is amended to update the revision date of the CDCR Form 102, Release Statement. The CDCR Form 102 now provides a check box to allow for “Exonerated” as a Release Type in Section I of the form, and Section V of the form provides a new subsection “B. Exonerated Allowance,” with information to be input for the “State check number,” and the “Total Exonerated Allowance.” The CDCR Form 102 (Rev. 08/19), Release Statement, is incorporated by reference, and a copy is provided in this rulemaking action. In addition, minor corrections are made for grammatical purposes.

New Section 3075.2(f) is adopted to provide the section heading “Exonerated Inmates,” to allow for the new procedures regarding release funds for exonerated persons. This is necessary to provide clarity and instructions regarding the new procedures for release funds for exonerated persons.

New Section 3075.2(f)(1) is adopted to reference the PC Section 3007.05(d) which mandates an allowance, in addition to any other payment allowed by law, to an exonerated person. By referring to the Penal Code, it allows the section to remain current should the amount paid to exonerated persons change in the future. This language is necessary to comply with the new requirements for payment to exonerated persons, as mandated in PC Section 3007.05(d).

New Section 3075.2(f)(2) is adopted to specify that the CDCR Form 102, Release Statement, shall have the Exonerated checkbox marked. This language is necessary to provide clear instruction to staff regarding the procedures for completing the CDCR Form 102, and to clearly identify the type of funds.

New Section 3075.2(f)(3) is adopted to specify that the payment of the allowance for exonerated persons will be by check, due to dollar limits for payment of release allowances by debit card, as stated in Section 3075.2(d)(3). This language is necessary to provide clarity and understanding regarding the disbursement and method of payment for funds provided to exonerated persons.