



Department of Corrections and Rehabilitation  
NOTICE OF CHANGE TO REGULATIONS

<b>Sections:</b> 3650 and 3654	<b>NCR Number:</b> 20-08	<b>Publication Date:</b> June 26, 2020	<b>Effective Date:</b> TBD
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**INSTITUTION POSTING AND CERTIFICATION REQUIRED**

This Notice announces the proposed repeal of Sections 3650 and 3654 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Registration Notification.

**PUBLIC COMMENT PERIOD**

The public comment period will close on **August 14, 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](mailto:RPMB@cdcr.ca.gov). All written comments must be received or postmarked no later than **August 14, 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 Renee Rodriguez, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (916) 445-2217, or e-mail to [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov). Inquiries regarding the subject matter of these regulations should be directed to Ayla Williams, Division of Adult Parole Operations, at (916) 323-0474.

Original signed by:

GUILLERMO VIERA ROSA  
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 repeal Section 3650 and 3654 of Title 15, Division 3, Chapter 1, regarding Registration Notification.

**PUBLIC COMMENT PERIOD**

The public comment period begins **June 26, 2020** and closes on **August 14, 2020**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to [rmb@cdr.ca.gov](mailto:rmb@cdr.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

R. Rodriguez  
Telephone: (916) 445-2217  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001

Back-Up

Y. Sun  
Telephone: (916) 445-2269  
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P.O. Box 942883  
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Program Contact

Ayla Williams  
Telephone: (916) 323-0474  
Division of Adult Parole

**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**

The passage of Assembly Bill 1261 (2019) removed the requirement that individuals convicted of specified controlled substance offenses register with local law enforcement for the narcotics registry. These proposed regulations are necessary to comply with the statutory changes to Health and Safety Code sections 11590, 11591, 11591.5, and 11594 as well as the repeal of sections 11592, 11593, and 11595 concerning the narcotics registry.

### **This action will:**

Repeal Sections 3650 and 3654, Registration, removing all mentions of the requirement for an inmate/parolee to register with local law enforcement for controlled substance offenses with the narcotics registry.

## **DOCUMENTS INCORPORATED BY REFERENCE**

Not applicable

## **SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS**

The proposed benefits of the regulation change will update the California Code of Regulations to comply with the new Health and Safety Code requirements, and remove the existing law requirements for local law enforcement to forward a statement, finger prints and photographs to the Department of Justice within 3 days after the individual registered.

## **EVALUATION OF INCONSISTENCY / INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS**

The Department evaluated whether or not there were any other regulations in this area and determined that these are the only regulations concerning registration notification. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state 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 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](http://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 additional text and ~~strikethrough~~ indicates deleted text.

### California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole ~~Crime Prevention and Corrections~~

#### ~~Division 3. Adult Institutions, Programs and Parole~~

#### ~~Chapter 1. Rules and Regulations of Adult Operations and Programs~~

### SUBCHAPTER 6. PAROLE

#### Article 13. Registration

**Section 3650 is deleted.**

#### ~~3650. Registration Notification.~~

~~An inmate/parolee required to register pursuant to Penal Code sections 186.30, 290, 457.1 or Health and Safety Code section 11590, shall be notified of the requirement to register pursuant to the procedures specified in section 3075.2.~~

~~NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.30, 290, 457.1 and 5054, Penal Code; Section 11590, Health and Safety Code.~~

**Sections 3651 through 3653 remains unchanged.**

**Section 3654 is deleted.**

#### ~~3654. Health and Safety Code 11590 Registrants (Drug Offenders).~~

~~(a) Any inmate/parolee obligated to register under Health and Safety Code (H&SC) section 11590 shall register with the Chief of Police of the city in which he or she resides, or the Sheriff of the county if he or she resides in an unincorporated area or in a city without a police department, within 30 days of release from custody, or within 30 days of his or her arrival, in any city, county, or city and county to reside.~~

~~(b) Change of Address: If an inmate/parolee required to register by H&SC section 11590, changes his or her residence address, he or she shall inform, in writing, within 10 days, the law enforcement agency with whom he or she last registered of his or her new address. The law enforcement agency is obligated, within three days after receipt of the information, to forward it to the Department of Justice. The Department of Justice is obligated to forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.~~

~~(c) Registration Requirements. The registration required by H&SC section 11590 shall consist of the following:~~

~~(1) The parolee shall appear at the law enforcement agency.~~

~~(2) A written statement, signed by the parolee, giving any information that may be required by the Department of Justice.~~

~~(3) The fingerprints and current photograph of the parolee shall be submitted to the law enforcement agency.~~

~~(d) Violations: Any parolee required to register by H&SC section 11590 who knowingly violates any of its provisions is guilty of a misdemeanor.~~

~~(e) Termination: The registration requirement of H&SC section 11590 shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted.~~

~~NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 11590 and 11594, Health and Safety Code.~~

## **INITIAL STATEMENT OF REASONS**

The California Department of Corrections and Rehabilitation (CDCR) proposes to repeal Sections 3650 and 3654 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Registration Notification.

Senate Bill 81 (1961) began the narcotics registry in California, which requires individuals convicted of specified Health and Safety Code violations to register with local law enforcement. Registration required a signed statement, fingerprints, and photographs be on file with local law enforcement, such as police and sheriff's departments based on the individual's residence.

Assembly Bill 1261 (2019) amends the Health and Safety Code to remove the requirement that individuals convicted of specified controlled substance offenses register with local law enforcement for the narcotics registry.

These regulations are necessary to comply with the statutory changes to Health and Safety Code Sections 11590, 11591, 11591.5, and 11594 as well as the Sections 11592, 11593, and 11595 concerning the narcotics registry.

## **CONSIDERATION OF ALTERNATIVES:**

The Department must determine that no reasonable alternatives 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:

### **Creation of New or the 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.

### **Creation of New, Expansion, or the Elimination of Existing Businesses Currently Doing Business in the State of California**

The Department has determined the proposed regulations will not have an impact on the creation of new, expansion, or elimination of existing businesses currently doing business in California.

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

The health and welfare of California residents will be enhanced by identifying and directing resources toward programs and services that will improve the reintegration of offenders to their communities upon being released from serving a sentence in state prison. The offender's successful reintegration to the community will improve the public's safety. The proposed regulations will not affect worker safety or the State's environment.

### **Significant Adverse Economic Impact on Business**

The Department has made an initial determination the proposed regulations will not have a significant statewide adverse economic impact on business.

### **BENEFITS OF THE REGULATIONS:**

The benefits of the regulation changes will have a positive impact on local law enforcement by reallocating staff resources that were previously directed towards the narcotics registry to other areas of concern as determined by their agencies. The proposed regulations will not affect worker safety or the State's environment.

Existing law requires, local law enforcement to forward the statement, fingerprints and photograph to the Department of Justice within 3 days after individuals have registered.

The Department has made an initial determination that no reasonable alternatives to the regulations have been identified or brought to the attention of the Department that would lessen any adverse impact on small business.

### **MATERIALS RELIED UPON:**

The Department, 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 11346.2(b)(1):**

#### **Chapter 1. Rules and Regulations of Adult Operations and Programs**

#### **Subchapter 6. ADULT PAROLE**

#### **Article 13. Registration**

**Sections 3650 and 3654 are deleted** to remove all mentions of registering controlled substance offenses for the narcotics registry. This deletion is necessary as Assembly Bill 1261 removes the requirement for any individual in California to register for the narcotics registry.