

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

**Amend sections: 3000, 3006, 3044, 3133,
3190, 3314, 3315, 3323**

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6, and Penal Code Section 5058.3**

OAL Matter Number: 2020-0706-02

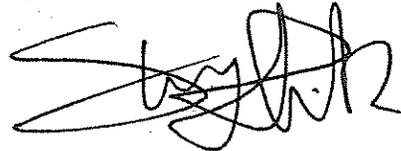
**OAL Matter Type: Emergency Operational
Necessity (EON)**

In this emergency of operational necessity, the Department of Corrections and Rehabilitation is amending the list of facility exemptions for allowable personal property.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code, and section 5058.3 of the Penal Code.

This emergency regulatory action is effective on 7/23/2020 and will expire on 12/31/2020. The Certificate of Compliance for this action is due no later than 12/30/2020.

Date: July 23, 2020



**Steven J. Escobar
Attorney**

Original: Ralph Diaz, Secretary
Copy: Rosie Ruiz

For: Kenneth J. Pogue
Director

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS: Z-
 NOTICE FILE NUMBER:
 REGULATORY ACTION NUMBER: 2020-0706-02
 EMERGENCY NUMBER: EOL

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

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2020 JUL -6 P 5:05
 OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

JUL 23 2020
 1:35 P.M.

AGENCY WITH RULEMAKING AUTHORITY: California Department of Corrections and Rehabilitation
 AGENCY FILE NUMBER (if any): 19-0057

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: Notice re Proposed Regulatory Action Other

4. AGENCY CONTACT PERSON: TELEPHONE NUMBER: FAX NUMBER (Optional):

OAL USE ONLY: Approved as Submitted Approved as Modified Disapproved/Withdrawn

NOTICE REGISTER NUMBER: PUBLICATION DATE:

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): Inmate Authorized Personal Property
 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S):

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.):
 ADOPT: AMEND: 3000, 3006, 3044, 3133, 3190, 3314, 3315, and 3323
 REPEAL: TITLE(S): 15

3. TYPE OF FILING

Regular Rulemaking (Gov. Code §11346)
 Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
 Emergency (Gov. Code, §11346.1(b))

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
 Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)

Emergency Readopt (Gov. Code, §11346.1(h))
 File & Print
 Other (Specify) Emergency Op. Necessity - PC 5058.3

Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
 Print Only

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)
 Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 \$100 Changes Without Regulatory Effect
 Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
 Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal
 Other (Specify)

7. CONTACT PERSON: Rosie Ruiz
 TELEPHONE NUMBER: (916) 445-2244
 FAX NUMBER (Optional): (916) 324-6044
 E-MAIL ADDRESS (Optional): rosie.ruiz@cdcr.ca.gov

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: *[Signature]*
 DATE: 5/23/20
 TYPED NAME AND TITLE OF SIGNATORY: Guillermo Viera Rosa, Undersecretary, Operations

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 23 2020

Office of Administrative Law

Per agency's request: 5E, 7/23/2020

TEXT OF REGULATIONS

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.

The following are definitions of terms as used in these regulations:

....

Effective communication means providing the inmates, to the extent possible or as required by federal law, the communication assistance necessary to allow them to understand and participate in programs, services and activities. For inmates with disabilities, staff may provide assistive devices or other methods of accommodation. For inmates with other communications needs (including Limited English Proficiency (LEP)), staff are responsible for providing other forms of assistance. For due process events, staff are subject to additional requirements: If the inmate is LEP, has a verified disability or has a Test of Adult Basic Education (TABE) reading score of 4.0 or lower, the employee is also required to accurately identify the communication need, to document the provision of any assistance provided that is consistent with the inmate's communication need, and to document the method staff used to determine the inmate understood. In instances where a staff member cannot achieve effective communication, despite the provision of relevant accommodations or assistance, staff shall document their efforts and their inability to achieve effective communication and shall notify the facility's ADA/LEP Coordinator.

Electronic Communication means any transfer of signs, signals, writings, images, sound, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system.

....

Joint Venture Program (JVP) means a contract entered into between the director and any public entity, nonprofit or for profit entity, organization, or business for the purpose of employing inmate labor.

Kiosk means a small stand-alone device providing information and services on a computer screen.

....

Violent Offense, for the purpose of conducting parole revocation hearings, refers to any felony listed in section 667.5(c) of the Penal Code.

Wireless Communication Device means any device that is capable of transmitting signs, signals, writings, images, sounds, data or intelligence of any nature, in whole or in part, by a radio, electromagnetic, photoelectric or photo-optical system, but does not require a wire connection to transmission source. This includes, but is not limited to, cellular

telephones, computers, internet phones, mobile phones, hybrid cellular devices, hybrid Internet devices, hybrid wireless devices, smart watches, wireless router and mobile Wi-Fi hotspot devices; Bluetooth or similar devices, mobile high-definition link devices, intelligent virtual assistant devices or similar smart home products, personal digital assistants, tablets, video recorders, facsimile machines, two-way radios, and pagers.

....

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, 653, 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, 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* (USDC ND 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.

3006. Contraband.

Section 3006 introductory paragraph is unchanged but shown as reference:

Inmates may possess only the personal property, materials, supplies, items, commodities and substances, up to the maximum amount, received or obtained from authorized sources, as permitted in these regulations. Possession of contraband as defined in section 3000 may result in disciplinary action and confiscation of the contraband.

Subsection 3006(a) is amended to read:

(a) Dangerous Property. Inmates ~~may~~ shall not possess or have under their control or constructive possession any weapons, explosives, explosive making material, poisons or any destructive devices, nor shall they possess or assist in circulating any writing or voice recording which describes the making of any weapons, explosives, poisons, or destructive devices, ~~or cellular telephones,~~ or Inmates shall not possess wireless communication devices capable of making or receiving wireless communications, except as expressly authorized by the Secretary, pursuant to subsection 3190(k)(8).

Subsection 3006(b) is unchanged.

Subsection 3006(c) is unchanged but shown as reference:

(c) Except as authorized by the institution head, inmates shall not possess or have under their control any matter which contains or concerns any of the following:

Subsections 3006(c)(1) through 3006(c)(19) are unchanged.

Subsection 3006(c)(20) is amended to read:

(20) Any ~~cellular telephone~~ or wireless communication device accessory and/or component including, but not limited to, a ~~s~~Subscriber ~~i~~Identity ~~m~~Module (SIM) card), memory storage device, ~~cellular phone~~ battery, wired or wireless headset, and ~~cellular phone~~ charger, except as expressly authorized by the Secretary, pursuant to subsection 3190(k)(8).

New subsection 3006(c)(21) is adopted to read:

(21) Another inmate's authorized wireless communication device.

Subsection 3006(d) is unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601, 2772, 2790, 4574, 4576, 5030.1, 5054 and 5057, Penal Code.

Article 3.5 Credits

3044. Inmate Work Groups and Privilege Groups.

Subsections 3044(a) through 3044(b)(9) are unchanged.

Subsection 3044(c) is unchanged but shown as reference:

(c) Privileges. Privileges for each work group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the secretary, by statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs.

Subsections 3044(c)(1) through 3044(c)(2) are unchanged.

Subsection 3044(c)(3) is amended to read:

(3) Disciplinary action denying, modifying, or suspending a privilege for which an inmate would otherwise be eligible shall be for a specified period not to exceed 30 days for an administrative rule violation or 90 days for a serious rule violation. Loss of privileges shall not preclude a general population inmate from possessing a network accessible tablet for CDCR approved and mandatory functional uses when there is no alternative to perform the function, including, but not limited to: approved educational programs, filing appeals and/or grievances, and/or scheduling medical appointments. If the disciplinary sanctions provide for a temporary suspension of services, the Hearing Officer or Senior Hearing Officer may contact the tablet vendor to have specific discretionary features suspended or restricted for the time specified in the disposition of the rules violation report.

Subsections 3044(c)(4) through 3044(d)(1)(C) are unchanged.

Subsection 3044(d)(2) is unchanged but shown as reference:

(2) Privileges for Privilege Group A are as follows:

Subsections 3044(d)(2)(A) through 3044(d)(2)(D) are unchanged.

New subsection 3044(d)(2)(E) is adopted to read:

(E) Kiosk access during the inmate's non-work or non-training hours will be limited only by institution or vendor capabilities.

Existing subsection 3044(d)(2)(E) through 3044(d)(2)(G) are renumbered to 3044(d)(2)(F) through 3044(d)(2)(H) and text is unchanged.

~~(E)~~ (F) [No change to text.]

~~(F)~~ (G) [No change to text.]

~~(G)~~ (H) [No change to text.]

Subsections 3044(e) through 3044(e)(1)(B) are unchanged.

Subsection 3044(e)(2) is unchanged but shown as reference:

(2) Privileges for Privilege Group B are as follows:

Subsections 3044(e)(2)(A) through 3044(e)(2)(D) are unchanged.

New subsection 3044(e)(2)(E) is adopted to read:

(E) Four 30-minute kiosk access periods per month.

Existing subsections 3044(e)(2)(E) through 3044(e)(2)(G) are renumbered to 3044(e)(2)(F) through 3044(e)(2)(H) and text is unchanged.

~~(E)~~ (F) [No change to text.]

~~(F)~~ (G) [No change to text.]

~~(G)~~ (H) [No change to text.]

Subsections 3044(f) through 3044(f)(1)(C) are unchanged.

Subsection 3044(f)(2) is unchanged but shown as reference:

(2) Privileges and non-privileges for Privilege Group C are as follows:

Subsections 3044(f)(2)(A) through 3044(f)(2)(C) are unchanged.

New subsection 3044(f)(2)(D) is adopted to read:

(D) No kiosk access.

Existing subsections 3044(f)(2)(D) and 3044(f)(2)(E) are renumbered 3044(f)(2)(E) and 3044(f)(2)(F) and text is unchanged.

~~(D)~~ (E) [No change to text.]

~~(E)~~ (F) [No change to text.]

Subsections 3044(g) through 3044(g)(2) are unchanged.

Subsection 3044(g)(3) is unchanged but shown as reference:

(3) Privileges and non-privileges for Privilege Group D, other than those listed above, are as follows:

Subsections 3044(g)(3)(A) through 3044(g)(3)(C) are unchanged.

New subsection 3044(g)(3)(D) is adopted to read:

(D) No kiosk access.

Existing subsections 3044(g)(3)(D) and 3044(g)(3)(E) are renumbered 3044(g)(3)(E) and 3044(g)(3)(F) and text is unchanged.

~~(D)~~ (E) [No change to text.]

~~(E)~~ (F) [No change to text.]

Subsections 3044(h) and 3044(h)(1) are unchanged.

Subsection 3044(h)(2) is unchanged but shown as reference:

(2) Privileges and non-privileges for Privilege Group U are:

Subsections 3044(h)(2)(A) through 3044(h)(2)(C) are unchanged.

New subsection 3044(h)(2)(D) is adopted to read:

(D) No kiosk access.

Existing subsections 3044(h)(2)(D) through 3044(h)(2)(F) are renumbered to 3044(h)(2)(E) through 3044(h)(2)(G) and text is unchanged.

~~(D)~~ (E) [No change to text.]

~~(E)~~ (F) [No change to text.]

~~(F)~~ (G) [No change to text.]

Subsections 3044(i) through 3044(i)(2) are unchanged.

Subsections 3044(i)(3) and 3044(i)(3)(A) are unchanged but shown as reference:

(3) Privileges and non-privileges for Privilege Groups S1 through S4 are:

(A) S1 for Step 1.

Subsections 3044(i)(3)(A)1. through 3044(i)(3)(A)5. are unchanged.

New subsection 3044(i)(3)(A)6. is adopted to read:

6. No kiosk access.

Existing subsections 3044(i)(3)(A)6. through 3044(i)(3)(A)9. are renumbered to 3044(i)(3)(A)7. through 3044(i)(3)(A)10. and text is unchanged.

~~6.~~ 7. [No change to text.]

~~7.~~ 8. [No change to text.]

~~8.~~ 9. [No change to text.]

~~9.~~ 10. [No change to text.]

Subsection 3044(i)(3)(B) is unchanged but shown as reference:

(B) S2 for Step 2.

Subsections 3044(i)(3)(B)1. through 3044(i)(3)(B)5. are unchanged.

New subsection 3044(i)(3)(B)6. is adopted to read:

6. No kiosk access.

Existing subsections 3044(i)(3)(B)6. through 3044(i)(3)(B)9. are renumbered to 3044(i)(3)(B)7. through 3044(i)(3)(B)10. and text is unchanged.

~~6.~~ 7. [No change to text.]

~~7.~~ 8. [No change to text.]

~~8.~~ 9. [No change to text.]

~~9.~~ 10. [No change to text.]

Subsection 3044(i)(3)(C) is unchanged but shown as reference:

(C) S3 for Step 3.

Subsections 3044(i)(3)(C)1. through 3044(i)(3)(C)5. are unchanged.

New subsection 3044(i)(3)(C)6. is adopted to read:

6. No kiosk access.

Existing subsections 3044(i)(3)(C)6. through 3044(i)(3)(C)11. are renumbered 3044(i)(3)(C)7. through 3044(i)(3)(C)12. and text is unchanged.

~~6.~~ 7. [No change to text.]

~~7.~~ 8. [No change to text.]

~~8.~~ 9. [No change to text.]

~~9.~~ 10. [No change to text.]

~~10-11.~~ [No change to text.]

~~11-12.~~ [No change to text.]

Subsection 3044(i)(3)(D) is unchanged but shown as reference:

(D) S4 for Step 4.

Subsections 3044(i)(3)(D)1. through 3044 (i)(3)(D)5. are unchanged.

New subsection 3044 (i)(3)(D)6. is adopted to read:

6. No kiosk access.

Existing subsections 3044(i)(3)(D)6. through 3044(i)(3)(D)11. are renumbered to 3044(i)(3)(D)7. through 3044(i)(3)(D)12. and text is unchanged.

~~6.~~ 7. [No change to text.]

~~7.~~ 8. [No change to text.]

~~8.~~ 9. [No change to text.]

~~9.~~ 10. [No change to text.]

~~10-11.~~ [No change to text.]

~~11-12.~~ [No change to text.]

Subsections 3044(j) is unchanged but shown as reference:

(j) Privilege Group AS:

Subsections 3044(j)(1) through 3044(j)(2) are unchanged.

Subsection 3044(j)(3) is unchanged but shown as reference:

(3) Privileges and non-privileges for Privilege Group AS are:

Subsections 3044(j)(3)(A) through 3044(j)(3)(E) are unchanged.

New subsection 3044(j)(3)(F) is adopted to read:

(F) No kiosk access.

Existing subsections 3044(j)(3)(F) through 3044(j)(3)(I) are renumbered to 3044(j)(3)(G) through 3044(j)(3)(J) and text is unchanged.

~~(F)~~ (G) [No change to text.]

~~(G)~~ (H) [No change to text.]

~~(H)~~ (I) [No change to text.]

~~(I)~~ (J) [No change to text.]

Subsection 3044(j)(4) is unchanged.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 2700, 2701 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and In re Monigold, 205 Cal.App.3d 1224 (1988).

Subchapter 2. Inmate Resources

Article 4. Mail

3133. Definitions and Disposition of Mail.

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

New subsection 3133(h) is adopted to read:

(h) Forwarding Electronic Communication. Electronic communication such as writings, images, data, videos, etc. shall not be forwarded to inmates or parolees who parole or are transferred to an institution, facility, housing unit or area where wireless communication devices are not expressly authorized in the Authorized Personal Property Schedule referenced in section 3190(b).

Existing subsection 3133(h) is renumbered to 3133(i) and text is unchanged.

~~(h)~~ (i) [No change to text.]

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

Article 9. Personal Property and Religious Personal Property

3190. General Policy.

Subsection 3190(a) is unchanged.

Subsection 3190(b) is unchanged but shown as reference:

(b) Specific items of personal and religious property shall be established by a consensus of individual facilities within the Division of Adult Institutions. An Authorized Personal Property Schedule, identifying a list of allowable property, not including religious property,

shall be developed and updated no more frequently than twice yearly. Local facility exemptions to the property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

The Religious Personal Property Matrix (Revised 6/27/13) identifies a separate list of allowable personal religious property, and is incorporated by reference. The Religious Personal Property Matrix shall be developed and updated by the Wardens Advisory Group/Religious Review Committee no more frequently than twice yearly. Local exceptions to the Religious Personal Property Matrix shall also be identified. All changes to the Religious Personal Property Matrix shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11350.3) and, if applicable, Penal Code 5058.3.

Subsection 3190(b)(1) is amended to read:

(1) Authorized Personal Property Schedule - Reception Center Male Inmates (Rev. 4/1/47/6/20). This personal property schedule applies to all facilities which operate Male Reception Center Housing.

Subsection 3190(b)(2) is amended to read:

(2) Authorized Personal Property Schedule - General Population Levels I, II, and III, Male Inmates (Rev. 4/1/47/6/20). This personal property schedule applies to all facilities which operate Levels I, II, III Male Inmate Housing.

Subsection 3190(b)(3) is amended to read:

(3) Authorized Personal Property Schedule - Level IV Male Inmates (Rev. 4/1/47/6/20). This personal property schedule applies to all facilities which operate Level IV Male Inmate Housing.

Subsection 3190(b)(4) is amended to read:

(4) Authorized Personal Property Schedule - Administrative Segregation Units (ASU) / Security Housing Units (SHU) / Psychiatric Services Units (PSU) Male Inmates (Rev. 4/1/47/6/20). This personal property schedule applies to all facilities which operate ASU/SHU/PSU Male Inmate Housing.

Subsection 3190(b)(5) is amended to read:

(5) Authorized Personal Property Schedule - Female Inmates (Rev. 4/1/47/6/20). This personal property schedule applies to all facilities which operate Female Inmate Housing.

Subsections 3190(c) through 3190(j) are unchanged.

Subsection 3190(k) is unchanged but shown as reference:

(k) Inmates shall be allowed special purchases of authorized personal property items from either departmentally-approved inmate package vendors, departmentally-approved vendors of religious items, or locally-approved special purchase vendors. The institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates who qualify. Special purchases shall only include the following:

Subsections 3190(k)(1) through (k)(7) are unchanged.

New subsection 3190(k)(8) is adopted to read:

(8) Network capable tablets. Institutions where inmates are expressly authorized by the Secretary to possess network capable tablets are listed in the Exemptions section of the Authorized Personal Property Schedules, pursuant to subsections 3190(b)(1) - (5).

Subsections 3190(l) through 3190(v) are unchanged.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcalá*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998; and *Quine v. Beard*, No. C 14-02726 JST.

Subchapter 4. General Institution Regulations

Article 5. Inmate Discipline

3314. Administrative Rule Violations.

Subsections 3314(a) through 3314 (a)(2)(G) are unchanged.

Subsection 3314(a)(3) is unchanged but shown as reference:

(3) Administrative rule violations include but are not limited to:

Subsections 3314(a)(3)(A) through 3314(a)(3)(M) are unchanged.

New subsection 3314(a)(3)(N) is adopted to read:

(N) Possession or constructive possession of another inmate's authorized wireless communication device.

Subsections 3314(b) through 3314(k) are unchanged.

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

3315. Serious Rule Violations.

Subsections 3315(a) through 3315(a)(2)(E) are unchanged.

Subsection 3315(a)(3) is unchanged but shown as reference:

(3) Serious rule violations include but are not limited to:

Subsections 3315(a)(3)(A) through 3315(a)(3)(W) are unchanged.

Subsection 3315(a)(3)(X) is amended to read:

(X) Possession and/or constructive possession of any cell phone or wireless communication device or any component thereof including, but not limited to, a subscriber identity module (SIM) card, memory storage devices, batteries, wired or wireless headsets, or cellular telephone chargers, except as expressly authorized by the Secretary, pursuant to subsection 3190(k)(8).

Subsections 3315(a)(3)(Y) through 3315(i) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 295, 295.1, 295.2, 296, 296.1, 296.2, 297, 298, 298.1, 298.2, 298.3, 299, 299.5, 299.6, 299.7, 300, 300.1,

300.2, 300.3, 314, 530, 532, 646.9, 647, 653m, 2931, 2932, 2933, 4501.1, 4573.6, 4576, 5054 and 5068, Penal Code.

3323. Disciplinary Credit Forfeiture Schedule.

Subsections 3323(a) through 3323(e)(14) are unchanged.

Subsection 3323(f) is unchanged but shown as reference:

(f) Division "D" offenses; credit forfeiture of 61-90 days.

Subsections 3323(f)(1) through 3323(f)(13) are unchanged.

Subsection 3323(f)(14) is amended to read:

(14) Possession and/or constructive possession of a cellular telephone or wireless communication device capable of making or receiving wireless communications, not expressly authorized by the Secretary pursuant to subsection 3190(k)(8). Penal Code section 4576(c) provides that an inmate found to be in possession of a wireless communication device shall be subject to time credit denial or loss of up to 90 days. An inmate in possession of a wireless communication device, authorized by the Secretary, shall not receive any time credit denial or loss.

Subsections 3323(f)(15) through 3323(k)(4) are unchanged.

Note: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 148, 241, 243, 295-300.3, 314, 647, 1170.05, 2932, 2933, 4500, 4501, 4501.1, 4573.6, 4576, 4600, 5054 and 12020, Penal Code.