



Department of Corrections and Rehabilitation  
NOTICE OF CHANGE TO REGULATIONS

<b>Sections:</b> 3078.4	<b>NCR Number:</b> 20-10	<b>Publication Date:</b> July 31, 2020	<b>Effective Date:</b> To Be Announced
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**INSTITUTION POSTING AND CERTIFICATION REQUIRED**

This Notice announces the proposed amendment of Sections 3078.4 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding the Alternative Custody Program.

**PUBLIC COMMENT PERIOD**

The public comment period will close on **September 17, 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 **September 17, 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](mailto:RPMB@cdcr.ca.gov). Inquiries regarding the subject matter of these regulations should be directed to A. Sugapong, Division of Adult Parole Operations, at (916) 324-9325.

*Original signed by:*

KATHLEEN ALLISON  
Undersecretary (A), Operations  
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 Sections 3078.4 of Title 15, Division 3, Chapter 1, regarding the Alternative Custody Program.

**PUBLIC COMMENT PERIOD**

The public comment period begins **July 31, 2020** and closes on **September 17, 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](mailto: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

A. Sugapong  
Telephone: (916) 324-9325  
Division of Adult Parole  
Operations

**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 regulation on an emergency basis.

## **INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

California Code of Regulations (CCR), Section 3078.4 currently includes reference to CDCR Form 1516-ACP (06/11), Requirements of the Alternative Custody Program, which is an outdated form. The proposed regulations revise CDCR Form 1516-ACP to include information regarding the use of Electronic Monitoring Equipment for Electronic In-Home Detention. Correspondingly, Section 3078.4 is updated to reflect the correct form.

### **This action will:**

- Revise CDCR Form 1516-ACP to incorporate language concerning the use of Electronic Monitoring Equipment for Electronic In-Home Detention.
- Update Section 3078.4 to reflect the revised CDCR Form 1516-ACP.

## **DOCUMENTS INCORPORATED BY REFERENCE**

CDCR Form 1516-ACP (Rev. 04/20), Alternative Custody Program Requirements

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

By providing clarity regarding the use of Electronic Monitoring Equipment and Electronic In-Home Detention in the CDCR Form 1516-ACP, the ACP participant's understanding and compliance with the rules and regulations concerning the ACP program will be enhanced, which will improve public safety as a result.

## **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: *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 ensure ACP participants' compliance with Electronic Monitoring Equipment and Electronic In-Home Detention by providing clarity through the CDCR Form 1516-ACP.

## **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 Regulations 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, ~~strikethrough~~ indicates deleted text; underline indicates added text.

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

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 6.8. Alternative Custody Program

Section 3078.4. Alternative Custody Program Processing.

[Sections 3078.4(a) through 3078.4(b)(3) remain unchanged.]

Section 3078.4(b)(4) is amended to read:

(4) The participant shall sign the CDCR Form 1516-ACP ~~(06/11)~~ (Rev. 04/20), Alternative Custody Program Requirements ~~of the Alternative Custody Program~~, which is incorporated by reference, agreeing to comply with the requirements of participation in ACP.

[Sections 3078.4(c) through 3078.4(e) remain unchanged.]

NOTE: Authority cited: Sections 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05 and 5054, Penal Code.

You have volunteered to participate in the Alternative Custody Program (ACP) until transitioned to parole or discharged. You shall be subject to electronic monitoring. You shall comply with all curfew restrictions as a special requirement for your placement in the ACP. You shall remain within your residence or ACP facility between the hours of \_\_\_\_\_ and \_\_\_\_\_.

Your person, your residence or place where you stay, and any belongings or property under your control may be searched or seized by any parole agent or peace officer at any time of the day or night, with or without cause, and with or without a warrant as set forth in the California Penal Code, Section 1170.05.

You waive extradition to the State of California from any state or territory of the United States or the District of Columbia, and you will not contest any effort to return you to the State of California. If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should the detainer not be exercised, you are to immediately contact the nearest California Department of Corrections and Rehabilitation's Division of Adult Parole Operations office for instructions from your assigned parole agent.

As a participant in the ACP, you are ordered to comply with equipment maintenance requirements, and equipment care instructions associated with Electronic Monitoring (EM) Equipment and in accordance with the instructions of your case manager. You may be criminally charged with grand or petty theft and fined for the cost of the equipment replacement in the event the equipment is not returned, is lost, stolen, and/or there is willful damage.

Should you violate the requirements of this program or your Individualized Treatment and Rehabilitation Plan (ITRP), you may be subject to arrest, return to prison, and/or disciplinary action. You understand that you may be removed from the ACP and returned to prison to serve the remainder of your original sentence for any reason, with or without cause.

**SECTION I. REQUIREMENTS OF THE ALTERNATIVE CUSTODY PROGRAM**

1. **SPECIAL REQUIREMENTS:** Special requirements of the ACP that forbid conduct, which is not itself criminal, must reasonably relate to a crime for which you were convicted or must be reasonably related to deterring future criminality. You are subject to the following Special Requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ I acknowledge my Special Requirements for participating in the ACP.

**PARTICIPANT'S INITIALS**

\_\_\_\_\_  
**UNIT SUPERVISOR'S SIGNATURE    DATE SIGNED**

2. **RELEASE AND REPORTING:** Unless other arrangements are approved in writing, you will report to your parole agent on the first working day following your release to the ACP. Any change of residence shall be reported to your parole agent in advance. You will inform your parole agent within 72 hours of any change in your employment status, including changes in location, employer, work hours, or termination of employment.

3. **RESIDENCE AND TRAVEL:** You will not travel outside of your county of residence or more than 50 miles from your residence without prior written approval from your parole agent. You will not leave California. Your residence of record shall be free of any aggressive animals, as determined by your parole agent, and unobstructed access for law enforcement.

4. **PAROLE AGENT INSTRUCTIONS:** You shall adhere to and comply with all instructions from your parole agent and your ITRP.

5. **CRIMINAL CONDUCT:** You shall not engage in conduct prohibited by law, i.e., State, federal, county or municipal. You shall immediately inform your parole agent of any law enforcement contact including felony or misdemeanor arrests and/or citations. Conduct prohibited by law may result in your return to prison even if no criminal conviction occurs.

6. **WEAPONS:** You shall not own, use, have access to, or have under your control (a) any type of firearm, or instrument or device which a reasonable person would believe to be capable of being used as a firearm, or ammunition which could be used in a firearm; (b) any weapon defined in State or federal statute, or any instrument or device which a reasonable person would believe to be capable of being used as a weapon; (c) any knife with a blade longer than two inches, except kitchen knives, which must be kept in your residence and knives related to your employment, which may be used and carried only in connection with your employment; or (d) a crossbow of any kind.
7. **GRIEVANCE:** You have the right to grieve the special requirements pursuant to California Code of Regulations, Title 15.

**REASON FOR IMPOSING ELECTRONIC IN-HOME DETENTION (EID) SPECIAL REQUIREMENTS**

The California Penal Code 1170.05 states that an Alternative Custody Program shall include the use of electronic monitoring, Global Positioning System Devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program. I understand and acknowledge the data is retained indefinitely and may be shared with other law enforcement agencies.

<b>ELECTRONIC MONITORING EQUIPMENT</b>	<b>PARTICIPANT'S INITIALS</b>
1. You shall not unplug the EM device from the power supply and/or phone line, nor move the monitoring equipment without prior approval from a parole agent.	
2. You shall not expose the EM device to extreme temperatures or submerge (place under water); (e.g., swimming pool, hot tub, bathtub, etc.).	
3. You shall charge the EM device two times per day, once every 12 hours, for at least 1 full hour per charging occurrence.	
4. You shall not tamper with the EM device by pulling on the strap, trying to open the device, pressing the button on the device, or covering the device with any foreign material.	

**I have read or have had read to me and understand and agree to the requirements of the ACP as they apply to me.**

CDCR NO.	NAME OF INMATE/ACP PARTICIPANT (PRINT LAST, FIRST, MI)	
SIGNATURE OF INMATE/ACP PARTICIPANT		DATE

**SECTION II. FOR CDCR STAFF ONLY**

I have reviewed the Disability and Effective Communication System (DECS), the parole field file (DAPO staff), and SOMS/ERMS (institution/DAPO staff), for Disability and Effective Communication source documents.

I have informed this inmate/participant of this notice and have determined that they:

Appear to understand       Appear to have difficulty understanding

Effective communication method used (check all applicable):  Foreign Language Interpreter  Sign Language Interpreter

Read/Spoke Slowly  Assistive Device: \_\_\_\_\_  Other (specify): \_\_\_\_\_

**After providing assistance, Inmate/ACP Participant:**

**Explained the ACP requirements in his or her own words.**       **Does not appear to understand.**

Comments: \_\_\_\_\_

STAFF TITLE (PRINT)	STAFF NAME (PRINT)	BADGE/I.D. NUMBER
STAFF SIGNATURE		DATE SIGNED

REQUIREMENTS OF THE ALTERNATIVE CUSTODY PROGRAM

CDCR 1516-ACP (06/11)

DELETE

You have volunteered to participate in the Alternative Custody Program (ACP) until transitioned to parole or discharged. You shall be subject to electronic monitoring. You shall remain within the interior premises of your residence from \_\_\_\_\_ pm to \_\_\_\_\_ am. Your person, residence and any property under your control may be searched or seized by any peace officer any time of the day or night with or without a warrant, with or without cause, as set forth in Penal Code section 1170.05(g)(2). You waive extradition to the State of California from any state or territory of the United States or from the District of Columbia and you will not contest any effort to return you to the State of California. If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should the detainer not be exercised, you are to immediately contact the nearest Division of Adult Parole Operations Unit for instructions from your assigned agent. Should you violate the requirements of this program or your individualized Treatment and Rehabilitation Plan (ITRP), you may be subject to arrest, return to institution, and/or disciplinary action. You understand you may be removed from ACP and returned to prison to serve the remainder of your original sentence for any reason, with or without cause.

REQUIREMENTS OF THE ALTERNATIVE CUSTODY PROGRAM

1. SPECIAL REQUIREMENTS MUST: a) Relate to the crime for which you were convicted, b) Relate to conduct which is criminal, or, c) Prohibit conduct which may be related to future criminality. You are subject to the following special requirements:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Unit Supervisor's Signature

Date Signed

I acknowledge my special requirements for participating in the ACP.
Participant's Initials

- 2. RELEASE AND REPORTING: Unless other arrangements are approved in writing, you will report to your assigned agent on the first working day following your release to the ACP. Any change of residence shall be reported to your assigned agent in advance. You will inform your assigned agent within 72 hours of any change of employment status, to include a change in location, employer, work hours, or termination of employment.
3. RESIDENCE AND TRAVEL: You will not travel outside of your county of residence or more than 50 miles from your residence without prior written approval of your assigned agent. You will not leave the State of California. Your residence of record shall be free of any aggressive animals, as determined by your agent, and have unobstructed access by law enforcement.
4. ASSIGNED AGENT INSTRUCTIONS: You shall adhere to and comply with all instructions of your assigned agent and the ITRP.
5. CRIMINAL CONDUCT: You shall not engage in conduct prohibited by law (state, federal, county or municipal). You shall immediately inform your assigned agent of any law enforcement contact including felony or misdemeanor arrests and citations. Conduct prohibited by law may result in a return to prison even though no criminal conviction occurs.
6. WEAPONS: You shall not own, use, have access to, or have under your control: (a) any type of firearm or instrument or device which a reasonable person would believe to be capable of being used as a firearm or any ammunition which could be used in a firearm; (b) any weapon defined in state or federal statutes or listed in California Penal Code Section 12020 or any instrument or device which a reasonable person would believe to be capable of being used as a weapon as defined in Penal Code Section 12020; (c) any knife with a blade longer than two inches, except kitchen knives, which must be kept in your residence and knives related to your employment which may be used and carried only in connection with your employment; or (d) a crossbow of any kind.
7. APPEAL: You have the right to appeal the special requirements pursuant to California Code of Regulation (CCR), Section 3084.1.

I have read, or have had read to me and understand and agree to the requirements of the ACP as they apply to me.

Table with 4 columns: CDC Number, Inmate/Parolee Printed Name, Inmate/Parolee Signature, Date Signed.
Section: STAFF ISSUANCE/OBSERVATION
I have reviewed the Disability and Effective Communication System and the Field File (Parole Staff) or C-File (Institution Staff) for disability and effective communication source documents.
I have informed this inmate/parolee of this notice and have determined that he/she:
[ ] Appears to understand [ ] Appears to have difficulty understanding
Effective Communication Method Used: (please circle)
Foreign Language Interpreter Sign Language Interpreter Read/Spoke Slowly Assistive Device Used(specify)
Other (please write):
After providing assistance, inmate/parolee: [ ] Explained the conditions in his/her own words. [ ] Does not appear to understand.
Comments:
Staff Printed Name/Title/Badge #: Staff Signature: Date Signed:

## **INITIAL STATEMENT OF REASONS**

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend the California Code of Regulations (CCR), Title 15, Division 3, Section 3078.4 concerning the Alternative Custody Program.

The Alternative Custody Program (ACP) was established through Senate Bill 1266, and approved by the Governor in September of 2010, which added Penal Code (PC) 1170.05. PC 1170.05 designated the ACP for female inmates only. In October of 2016, CCR, Sections 3078.1 through 3078.4 were amended to remove gender-specific regulatory language as a program eligibility criteria.

The ACP is a voluntary program developed to allow offenders to serve their sentences in the community in lieu of confinement in State prison as prescribed in PC 1170.05. Offenders committed to prison for offenses defined in PC 667.5(c), PC 1192.7(c), PC 1192.8(a), and PC 290(c) are not eligible to participate in ACP.

Currently, Section 3078.4, Alternative Custody Program Processing, includes language which references the CDCR Form 1516-ACP (06/11), Requirements of the Alternative Custody Program, which is an outdated form. In these proposed regulations, the CDCR Form 1516-ACP is revised and updated to include information regarding the use of Electronic Monitoring Equipment for Electronic In-Home Detention. This amendment is necessary to implement, interpret and comply with PC 1170.05.

### **Consideration of Alternatives**

The Department must determine that no reasonable alternatives considered, or that have 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 effected private persons than the action proposed, or would be more cost-effective to effected 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), the Department 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, as the proposed regulations only affect inmates participating in the ACP.

## **Creation of New, Expansion, or the 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 of new, expansion, or the elimination of existing businesses currently doing business within California, as the proposed regulations only affect inmates participating in the ACP.

## **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 providing clarity to participants and staff regarding the provisions for Electronic In-Home Detentions in the revised CDCR Form 1516-ACP. Providing Electronic In-Home Detention will aid the offender's compliance with the rules and regulations of the ACP, which 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 that the regulatory action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided that would alter the Department's initial determination.

The proposed regulations do not have a direct impact on California businesses as the proposed regulations only affect inmates participating in the ACP.

## **BENEFITS OF THE REGULATIONS:**

The proposed regulations update the CDCR Form 1516-ACP to provide instructions and requirements regarding Electronic In-Home Detention, and the use of Electronic Monitoring Equipment. By imposing Electronic In-Home Detention the safety of the public is enhanced by helping to verify a participant's compliance with the rules and regulations of the ACP.

## **DOCUMENTS 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 SECTION 11346.2(B)(1):**

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

#### **Article 6.8. Alternative Custody Program**

##### **Section 3078.4 Alternative Custody Program Processing**

**Subsection 3078.4(b)(4) is amended** to update the revision date of CDCR Form 1516-ACP from "(06/11)" to "(Rev. 04/20)." The form title is revised from "Requirements of the Alternative Custody Program" to "Alternative Custody Program Requirements" for consistency with other ACP forms.

Changes to this form are necessary to incorporate language regarding Electronic In-Home Detention requirements, and instructions for Electronic Monitoring Equipment. This new language implements, interprets, and provides compliance with PC Section 1170.05. The CDCR Form 1516-ACP (Rev. 04/20) is incorporated by reference in these regulations, and a copy is provided in this rulemaking.