

RECEIVED APR 02 2021

State of California
Office of Administrative Law

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections:

Amend sections: 3650

Repeal sections: 3654

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2020-1020-04

OAL Matter Type: Regular (S)

This rulemaking action by the Department of Corrections and Rehabilitation repeals and amends regulations that require individuals convicted of specified controlled substances offenses to register with local law enforcement for the narcotics registry.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2021.

Date: March 29, 2021



Kevin D. Hull
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Ralph Diaz, Secretary
Copy: Renee Rodriguez

REGULAR

See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2020-0610-01	REGULATORY ACTION NUMBER 2020-1020-04	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		For use by Secretary of State only	
NOTICE		REGULATIONS	

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

MAR 29 2021

2020 OCT 20 P 3:29
OFFICE OF ADMINISTRATIVE LAW

2:30pm

AGENCY WITH RULEMAKING AUTHORITY
Corrections and Rehabilitation

AGENCY FILE NUMBER (If any)
20-0007

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 <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2020 26-2	PUBLICATION DATE 6/26/20

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Registration Notification	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 3650 <i>add per agency 2/24/2021</i>
TITLE(S) 15	REPEAL 3650 , 3654
3. TYPE OF FILING	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> 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.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> File & Print	
<input type="checkbox"/> Print Only	
<input type="checkbox"/> Other (Specify)	
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) 1/21/2021 - 2/5/2021 <i>add 2/24/2021</i>	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify)	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Renee Rodriguez	TELEPHONE NUMBER 916-445-2217
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Renee.rodriquez@cdr.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 <i>K. Allison</i>	DATE 10/7/20
TYPED NAME AND TITLE OF SIGNATORY Kathleen Allison, Secretary	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 29 2021

Office of Administrative Law

TEXT OF ADOPTED REGULATIONS

In the following text, underline indicates additional text and ~~strikethrough~~ indicated 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 amended to read.

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.

FINAL STATEMENT OF REASONS

The Initial Statement of Reasons (ISOR) is incorporated by reference.

UPDATES TO THE INITIAL STATEMENT OF REASONS

On June 26, 2020, the Notice of Proposed Regulations for Registration Notification was published, which began the public comment period. The Department's Notice of Change to Regulations #20-08 was also mailed the same day to individuals who had requested to be on the Department's mailing list for regulation changes. In addition, they were posted on the California Department of Corrections and Rehabilitation (CDCR) website, and copies posted in CDCR institutions. The Department received two written comments which are included below under *Summaries and Responses to the Written Public Comments Received During the Initial Comment Period*. A teleconference public hearing was held on July 30, 2020, there were three attendees via telephone, however, no attendee provided any comments.

On January 21, 2021 renote was issued, no comments were received.

DETERMINATION

The Department has determined that no alternative considered 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 adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This determination was reached by a consensus of the Division of Adult Institutions (DAI).

Except as set forth and discussed in the summary and response to the comments received, no other alternatives have been proposed or otherwise brought to the Department's attention that would alter the Department's decision.

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.

SUMMARIES AND RESPONSES TO THE WRITTEN PUBLIC COMMENTS RECEIVED DURING THE INITIAL COMMENT PERIOD

Commenter #1

Comment 1A: Commenter disagrees with the proposed revision to section 3650 and 3654. Commenter states the narcotics registry is a simple task, yet is turned into a complex costly task. Commenter states all registration should be changed into a "red flag" so anytime you are pulled over or checked out it shows up. Additionally, the commenter states all criminal and civil violations should be made public record with easy access to "all" citizens.

Accommodation: None

Response 1A: Although this comment does address an aspect or aspects of the subject proposed regulatory action, it is insufficiently related to the specific action or actions proposed, generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation or accommodation of the comment, therefore the comment is irrelevant pursuant to Government Code, Section 11346.9(a)(3).

Comment 1B: Commenter believes society has a right to access and alert of any killer, dope addict/dealer, alcoholic, gang banger, sex offender and there is no difference between criminals. If you are going to register one type of criminal you must register all. Commenter provides an example supporting these beliefs. Commenter states drugs and alcohol are the root of all crime and violence in the most part.

Response 1B: Although this comment does address an aspect or aspects of the subject proposed regulatory action, it is insufficiently related to the specific action or actions proposed, generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation or accommodation of the comment, therefore the comment is irrelevant pursuant to Government Code, Section 11346.9(a)(3).

COMMENTER # 2 (Letter):

Comment A: Commenter thanks and commends the Department for efforts it has made to change acquired funding at the inmates expense. Commenter thanks the Department for inviting and allowing him to participate in this forum.

Accommodation: None

Response A:

This comment does not address an aspect or aspects of the subject proposed regulatory action, it is insufficiently related to the specific action or actions proposed, generalized or personalized to the extent that no meaningful response can be formulated by the Department in refutation or accommodation of the comment, therefore the comment is irrelevant pursuant to Government Code, Section 11346.9(a)(3).