

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 3044, 3090

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

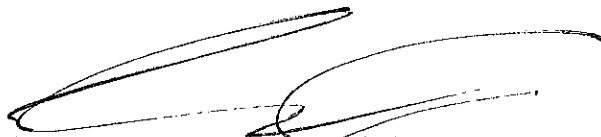
OAL Matter Number: 2024-0227-01

OAL Matter Type: Regular (S)

This action by the Department of Corrections and Rehabilitation amends regulations to increase the maximum monthly inmate canteen draw limit from \$220.00 to \$300.00 and convert fractional language to percentage.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

Date: April 10, 2024



**Stephen P. Mehlert
Senior Attorney**

For: Kenneth J. Pogue
Director

Original: Jeffrey Macomber, Secretary
Copy: Rachel Orr

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019) *per agency request*

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <i>RM</i>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	<i>Z-2023-1024-04</i>	<i>2024-0227-01</i>	<i>S</i>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

APR 10 2024
3:20 PM

OFFICE OF ADMIN. LAW
2024 FEB 27 PM 3:08

AGENCY WITH RULEMAKING AUTHORITY California Department of Corrections and Rehabilitation	AGENCY FILE NUMBER (If any) 23-14
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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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER <i>2023 44-2</i>	PUBLICATION DATE <i>11/3/2023</i>	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Canteen Privilege Levels	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND
	3044 and 3090
TITLE(S)	REPEAL
15	

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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<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)

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)
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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"/> State Fire Marshal
	<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Rachel Orr	TELEPHONE NUMBER (916) 445-2229	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Rachel.Orr@cdcr.ca.gov
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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.

DocuSigned by:
SIGNATURE OF AGENCY HEAD OR DESIGNEE
Jennifer Barretto

DATE
2/20/2024

TYPED NAME AND TITLE OF SIGNATORY
Undersecretary RM, per agency request
Jennifer Barretto, Administration

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 10 2024

Office of Administrative Law

TEXT OF PROPOSED REGULATIONS

In the following text, ~~strikethrough~~ indicates deleted text and underline indicates added or amended text.

California Code 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 3.4. Inmate Work and Privileges

Section 3044. Inmate Work Groups and Privilege Groups.

Sections 3044(a) through 3044(e)(2)(I) are unchanged.

Section 3044(f) is unchanged, but is shown for reference.

(f) Privilege Group C:

Section 3044(f)(1) through 3044(f)(1)(D) are unchanged.

Section 3044(f)(2) is unchanged, but is shown for reference.

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

Section 3044(f)(2)(A) is unchanged.

Section 3044(f)(2)(B) is amended to read:

(B) ~~One-fourth~~ Twenty-five percent (25%) of the maximum monthly canteen draw and items shall be limited to stationery, stationery supplies, personal hygiene, vitamins and medications as authorized by the Secretary. Inmates may maintain their current canteen items, which must be verified with a current receipt. Any subsequent canteen purchases while on Privilege Group C or program failure status shall be limited to stationery, stationery supplies, personal hygiene, vitamins and medications.

Sections 3044(f)(2)(C) through 3044(h)(2)(A) are unchanged.

Section 3044(h)(2)(B) is amended to read:

(B) Canteen Purchases. ~~One-half~~ Fifty percent (50%) of the maximum monthly canteen draw as authorized by the ~~S~~secretary.

Sections 3044(h)(2)(C) through Section 3044(j) are 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 1. Canteens

Section 3090. Inmate Canteen Establishment and Draw Limits.

Section 3090(a) is unchanged.

Section 3090(b) is amended to read:

(b) The maximum monthly canteen draw authorized by the Secretary is ~~\$220.00~~ \$300.00. An inmate's regular canteen purchase shall not exceed the limits specified in section 3044 or the inmate trust account balance, whichever is less.

Sections 3090(c) through 3090(e) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

FINAL STATEMENT OF REASONS

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

UPDATES TO THE INITIAL STATEMENT OF REASONS:

On November 3, 2023, the California Department of Corrections and Rehabilitation (CDCR or the department) published the Notice of Change to Regulations for Canteen Privilege Levels, which began the public comment period. The department's Notice of Change to Regulations #23-14 was mailed the same day to individuals who had requested to be on the department's mailing list for regulation changes, was posted on the department's website, and copies were posted in CDCR institutions. The department received no comments. A public hearing was held on December 21, 2023; there were no attendees.

Minor, non-substantive changes have been made to the text. The correction of "stationery" to "stationary" in Section 3044(f)(2)(B) is not necessary as "stationery" is currently in regulation text, so the correction has been removed. The word "supplies" has also been added as it is included in the existing text. Also, the word "secretary" in Section 3044(h)(2)(B) has been capitalized and is now "Secretary," which is consistent with other references to the Secretary of CDCR within regulations. Formatting changes have been made to subdivisions and paragraphs in order to show their correct relation to one another and to ensure that the text is correctly structured. These changes do not have regulatory effect.

DETERMINATIONS, ASSESSMENTS, MANDATES, AND FISCAL IMPACT:

The department has determined that no alternative considered would be more effective in carrying out the purpose for which this regulation is proposed, or would be as effective and less burdensome to affected private persons, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the action proposed. No such alternatives were proposed or brought to the department's attention during the adoption of this rulemaking action.

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

The department has determined that this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4 of the Government Code.

The department has determined that no reasonable alternatives to the regulation have been identified or brought to the attention of the department that would lessen any adverse impact on affected private persons or small businesses than the action planned.

The department, in proposing the adoption of these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

The department has relied upon the results of the Economic Impact Assessment, which can be found in the Notice of Proposed Regulations and is available for review as part of the rulemaking file.