

REGULATION AND POLICY MANAGEMENT BRANCH

P.O. Box 942883
Sacramento, CA 94283-0001

August 28, 2024

**SECOND NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED**

Pursuant to the provisions of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations (CCR), the California Department of Corrections and Rehabilitation (CDCR or the department) hereby provides notice of proposed changes made to CCR Sections regarding Incarcerated Person's Mail. The department proposed to amend sections 3006, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3190 and adopt new section 3147 within the CCR, Title 15, Division 3, Chapter 1.

You are receiving this notice because you provided a comment regarding the proposed regulations.

Notice of Change to Regulations 23-12 was published in the Office of Administrative Law Regulatory Notice Register on October 20, 2023. The department determined that changes to the proposed regulations were necessary, and published the first Notice of Change to Regulations as Originally Proposed on April 12, 2024. The department has again determined that additional changes are necessary to enhance the clarity of the proposed regulations.

New amendments to the proposed text are indicated by ***italicized bold dash underline*** for newly added text and ~~***italicized bold double strikethrough***~~ for deleted text. The ~~***bold double underline***~~ and ~~***bold double strikethrough***~~ formatting from the first Notice of Change to Text as Originally Proposed and the single underline and single ~~strikethrough~~ formatting from the original proposed text noticed to the public in October of 2023 has been retained in this amended text. These proposed changes are being made available for public comment.

Only those comments relating directly to the amendments indicated by ***italicized bold dash underline*** and ~~***italicized bold double strikethrough***~~ will be considered.

INITIAL STATEMENT OF REASONS – ADDENDUM

An Addendum to the Initial Statement of Reasons is attached explaining the necessity for each of the changes reflected in this Second Notice of Change to Text As Originally Proposed pursuant to Government Code section 11347.1.

PUBLIC COMMENT PERIOD

The comment period on these changes shall close on **September 13, 2024**. Only those comments relating directly to this Notice of Change to Text as Originally Proposed which is indicated by ***italicized bold dash underline*** and ~~***italicized bold double strikethrough***~~ will be considered.

Please submit comments to Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; or e-mail to rpmb@cdcr.ca.gov before the close of the comment period.

A handwritten signature in black ink, appearing to read "Ying Sun".

Ying Sun, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachment(s)

2nd 15-DAY RE-NOTICE TEXT OF PROPOSED REGULATIONS

In the following, the originally proposed text appears in single underline and single ~~strikethrough~~ format. The 1st 15-Day Re-Notice text changes appear in **bold double underline** and ~~**bold double strikethrough**~~. The 2nd 15-Day Re-notice changes appear in **italicized bold dash underline**, indicates additional added text, and ~~**italicized bold double strikethrough**~~ which indicates additional deleted text to the originally proposed text. Additionally, revisions to the 1st 15-Day Renotice appear in **italicized bold dash underline** and ~~**italicized bold double strikethrough**~~ format.

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 1. Behavior

3006. Contraband.

Incarcerated persons 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.

(a) Dangerous Property. Incarcerated persons 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. Incarcerated persons 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)(j)(7).

(b) Money. Incarcerated persons ~~may~~ shall not possess money. If an incarcerated person finds money and voluntarily surrenders it, and the rightful owner does not claim it within 30 days, it ~~will~~ shall be credited to the incarcerated person's trust account.

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

(1) Any matter of a character tending to incite murder; arson; riot; or any form of violence or physical harm to any person, or any ethnic, gender, racial, religious, or other group.

(2) Blackmail or extortion.

(3) Contraband, or sending or receiving contraband.

(4) Plans to escape or assist in an escape.

(5) Plans to disrupt the order, or breach the security, of any ~~facility~~ institution.

(6) Plans for activities which violate the law, these regulations, or local procedures.

(7) Coded messages.

(8) A description of the making of any weapon, explosive, poison or destructive device.

(9) Illustrations, explanations, ~~and/or~~ descriptions of how to sabotage or disrupt computers, communications, or electronics.

(10) Diskettes.

(11) Catalogs, advertisements, brochures, and other commercial material which are obscene in nature as described in ~~subsection (15) below subsections 3006(c)(15)-(16)~~.

(12) Maps depicting any area within a ~~ten~~ 10-mile radius of an ~~facility~~ institution.

(13) Gambling or a lottery.

(14) Markings on the envelope which are obscene in nature as described in subsection (c)(15) ~~below~~ or sexually explicit in nature as described in subsection (c)(16).

(15) Obscene ~~Text material. and mail containing information concerning where, how, or from whom obscene material may be obtained.~~ For the purposes of this section, obscene text is any text that:

(A) ~~Obscene material means material~~ Taken as a whole, which ~~to the average person, applying contemporary statewide standards, appeals to the prurient interest; is material which taken as a whole, depicts sexual conduct; and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

~~(B) When it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.~~

~~(C) (B)~~ Material subject to the tests in paragraphs (A) or (B) May include, but is not limited to pictures or images that depict written depictions of the following:

~~(1) Penetration of the vagina or anus, or contact between the mouth and the genitals.~~

~~(2) 1. Bestiality, sadomasochism, or an excretory function including urination, defecation, or semen.~~

~~(3) Nudity of a minor, or person who appears to be under 18 years old.~~

~~(4) 2. Sexual~~ Conduct which appears to be non-consensual behavior.

~~(5) 3. Sexual~~ Conduct which is or appears to be forceful, threatening, or violent.

~~(6) 4. Sexual~~ Conduct where one of the participants is a minor, or appears to be under 18 years old.

~~(D) Text-only material shall not be considered obscene unless designated by the Division of Adult Institutions (DAI). DAI shall then place the designated text-only material on the Centralized List of Disapproved Publications, subject to subsection 3134.1(e).~~

Subsection 3006(c)(16) is relocated and renumbered as 3006(c)(17)

~~(16) Material that is reasonably deemed to be a threat to legitimate penological interests.~~

~~(17)(16) Sexually explicit images, that depict frontal nudity in the form of personal including pictures, photographs, drawings, and images in electronic magazines, or other pictorial formats.~~

~~(A) For the purposes of this section, examples of Ssexually explicit images include, but are not limited to, the following: material shall be defined as material that shows the frontal nudity of either gender, including the fully exposed female breast(s) and/or the genitalia of either gender.~~

~~1. The fully exposed breast that appears to be female.~~

~~2. The genitalia of any gender.~~

~~3. Penetration of the vagina or anus, or contact between the mouth and the genitals.~~

~~4. Bestiality, sadomasochism, or an excretory function including urination, defecation, or semen.~~

~~5. Nudity of a minor, or person who appears to be under 18 years old.~~

~~6. Sexual conduct which appears to be non-consensual behavior.~~

~~7. Sexual conduct, which is or appears to be forceful, threatening, or violent.~~

~~8. Sexual conduct where one of the participants is a minor, or appears to be under 18 years old.~~

~~(B) The following sexually explicit material images shall be allowed:~~

1. Departmentally purchased or acquired educational, legal, medical/, scientific, or artistic materials, such as books or guides purchased by the department for inclusion in institution libraries ~~and/or~~ educational areas; ~~or~~ and
2. Educational, medical/, scientific, or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books ~~and/or~~ guides, National Geographic, or artistic reference material depicting historical, modern, ~~and/or~~ postmodern era art, purchased or possessed by incarcerated persons and approved by the institution head or their designee on a case-by-case basis.
- (17) Material that is reasonably deemed to be a threat to legitimate penological interests.
- (18) Any tobacco product, or tobacco cessation product, that contains nicotine.
- (19) Written materials or photographs that indicate an association with validated STG members or associates, as described in subsections 3378.2(b)(5)-(6).
- (20) Any wireless communication device accessory ~~and~~ or component including, but not limited to, a Subscriber Identity Module (SIM) card, memory storage device, battery, wired or wireless headset, and charger, except as expressly authorized by the Secretary, pursuant to subsection 3190.4(8), (17). May want to mark the same as above for consistency.
- (21) Another incarcerated person's authorized wireless communication device.
- (d) Anything in the possession of an incarcerated person which is not contraband but will, if retained in possession of the incarcerated person, present a serious threat to facility institution security or the safety of incarcerated persons and staff, shall be controlled by staff to the degree necessary to eliminate the threat.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 311(a), 2600, 2601, 2772, 2790, 4574, 4576, 5030.1, 5054 and 5057, Penal Code.

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 2. Incarcerated Persons Resources

Article 4. Mail

3130. General Policy.

The California Department of Corrections and Rehabilitation (CDCR) encourages correspondence between incarcerated persons and persons outside the correctional facility institution. The sending and receiving of mail by incarcerated persons shall be uninhibited except as specifically provided for in this article. ~~The R~~ Regulations contained in this article shall provide for the orderly processing of incarcerated person mail and to give direction to staff, incarcerated persons, and their correspondents concerning facility institution mail requirements. Mail shall be delivered to incarcerated persons, regardless of housing, unless it is contraband pursuant to section 3006, is not authorized pursuant to section 3134, or is determined to be disturbing or ~~O~~ offensive ~~Correspondence~~ pursuant to section 3135.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601 (c) ~~(d)~~ and 5054, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

3131. Plan of Operation.

Each warden or head of a correctional facility institution shall prepare and maintain a plan of operation for the sending and receiving of mail for all incarcerated persons housed in the facility institution. The mail p ~~Procedures of the correctional facility~~ shall conform to departmental policies, regulations and relevant provisions of law, ~~made reference to~~ and shall apply to all

incarcerated persons of the ~~facility~~ institution. Correctional staff shall promptly inform each newly received incarcerated persons of all department regulations and local procedures governing incarcerated person mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2080, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

3132. Responsibility and Compliance.

(a) Correspondents are personally responsible for the content of each item of mail they send into or out of a correctional ~~facility~~ institution. All incarcerated persons and persons corresponding with incarcerated persons must shall comply with existing laws, regulations, and local rules. Any violation of laws governing mail ~~will~~ shall be referred to postal authorities and to ~~appropriate criminal prosecuting authorities, as appropriate.~~ Violations of law, the policies and regulations set forth in this article, or of approved ~~facility~~ institution mail procedures may result in the temporary suspension or denial of ~~correspondence mail~~ between the persons involved.

(b) Departmental employees, incarcerated persons, and persons corresponding with incarcerated persons must shall comply with the regulations set forth in this article and with approved ~~facility~~ institution mail procedures. Failure to do so may result in legal or administrative measures against the person or persons involved.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(c), 2930, 5054 and 5058, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

3133. Definitions and Disposition of Mail.

(a) ~~Definitions:~~ For the purpose of this Article, mail is defined by the following ~~definitions shall apply:~~

(1) ~~First-Class Mail is all mail wholly or partly in writing or typewriting~~ includes all handwritten or typewritten material, all actual and personal correspondence mail, and all personalized business correspondence mail bills and statements of account, and all matter sealed or otherwise closed against inspection. First-Class Mail includes, but is not limited to, a postcard, a standard envelope, or a large envelope. First-Class Mail does not include boxes or padded envelopes, where the padding cannot be removed before delivery to the incarcerated person. The maximum weight for a First-Class letter is 13 ounces. All First-Class Mail shall be delivered to the incarcerated person ~~as soon as possible, but~~ not later than seven calendar days from receipt of the mail at the ~~facility~~ institution mailroom, ***unless disapproved in accordance with section 3136 or as otherwise provided in this Article.***

(2) ~~Standard Marketing Mail, formerly called Standard Mail or Bulk Mail, is used for~~ includes advertising mail advertisements, catalogues, and solicitations of donations, newsletters and mail of a non-personal nature that are not required to be mailed as First-Class Mail. The maximum weight for ~~Standard Marketing Mail~~ is 16 ounces.

(3) Periodicals are a class of mail consisting of magazines, newspapers, or newsletters, and other publications formed of printed sheets that are published ~~at least four times a year at regular, specified intervals~~ from a known office of publication. The known office of publication must be a public office for transacting the business of the publication during normal business hours, and must also be the office where the publication's circulation records are available for USPS examination. ***All periodicals shall be delivered to the incarcerated person no later***

~~than fifteen (15) calendar days from receipt of the mail at the institution mailroom, unless disapproved in accordance with section 3134.1.~~

(A) All periodicals shall be delivered to the incarcerated person, as soon as possible, no later than fifteen (15) calendar days from receipt of the mail at the institution mailroom, unless disapproved in accordance with section 3134.1 or as otherwise provided in this Article.

(B) Except as otherwise authorized by the department, incarcerated persons may receive periodicals directly from bookstores, book distributors, publishers that conduct mail order business, religious organizations, or in packages as outlined in section 3190 from departmentally approved vendors. Incarcerated persons may not receive periodicals via personal mail.

(C) The department shall not require ~~vendors~~ businesses listed in section 3133(a)(3)(B) and religious organizations to have prior approval from the department before sending periodicals to incarcerated persons.

(D) The department shall not impose a weight limitation on periodicals, nor limit the frequency in which incarcerated persons may receive periodicals, subject to the property limits established within section 3190.

~~(4) Package Services are Parcel Post, bound Printed Matter, Media Mail, and Library Mail. With the exception of parole clothes and third party special purchase health appliances, incarcerated persons shall not be allowed to receive package services directly from personal correspondents. Packages containing parole clothes or third party special purchase health care appliances must be clearly marked with either "Parole Clothes" or "Health Care Appliance" on the outside of the package. Personal correspondents do not include the Courts, Law Firms, County, State and Federal Agencies, Publishers, Bookstores, Book Distributors, Religious Organizations that provide written materials only, etc.~~

(4) Books are defined as bound publications formed of printed sheets that are published by a known office of publication.

(A) All books shall be delivered to the incarcerated person, as soon as possible, but no later than fifteen (15) calendar days from receipt at the institution, unless disapproved in accordance with section 3134.1 or as otherwise provided in this Article.

(B) Except as otherwise authorized by the department, incarcerated persons may receive books or periodicals directly from bookstores, book distributors, publishers that conduct mail order business, religious organizations, or from departmentally approved vendors in packages as outlined in section 3190. Incarcerated persons may not receive books or periodicals via personal mail.

(C) The department shall not require ~~vendors~~ businesses listed in 3133(a)(4)(B), and religious organizations to have prior approval from the department before sending books and periodicals to incarcerated persons.

(D) The department shall not impose a weight limitation on books, nor limit the frequency in which incarcerated persons may receive books, subject to the property limits established within section 3190.

(5) Ancillary service endorsements are defined by the United States Postal Service as the use of specified keywords included by the sender on a piece of mail, including "Electronic," "Address," "Return," "Change," or "Forwarding" followed by the words "Service Requested," indicating the sender's willingness to pay additional charges for the United States Postal Service to forward, return, or otherwise process mail that cannot be delivered to the addressee. Ancillary

service endorsements appear near the address block or below the return address in the top left corner of the mail piece.

~~(6) Electronic mail and messages are a method of exchanging messages, photographs, and images between correspondents using electronic devices, such as a tablet, kiosk, or laptop.~~

(6) Confidential Mail, as defined within section 3141.

(b) Disposition of Mail. All incoming and outgoing mail shall be handled in accordance with the following:

(1) All incoming mail shall be properly addressed. ~~Appropriately~~ Properly addressed incoming mail shall include the incarcerated person's name and department identification number. The mail should also include the address designated by the institution for incarcerated person mail. The receiving institution is required to update the address of any mail piece that does not reflect accurate housing or institutional location. ~~Standard Mail must be addressed to an individual incarcerated person showing their name, CDCR number and the address for the applicable institution.~~ Mail missing the incarcerated person's last name or department identification number shall be returned to the United States Postal Service as undeliverable.

(2) All outgoing mail shall be properly addressed, and shall be marked indicating that it originated from a California State Correctional Facility Institution. ~~If addressed to an incarcerated person it~~ Properly addressed mail sent by an incarcerated person shall ~~must~~ contain the sender's name, department identification number and the return address designated by the institution for incarcerated person mail, including housing location. It shall also contain the recipient's name, address, city, state, and zip code. The department shall deliver outgoing mail to the United States Postal Service as soon as possible but not later than ~~within~~ five business days of receipt from the incarcerated person.

(3) All incoming packages, as defined within section 3147, and non-confidential mail addressed to an incarcerated person ~~will~~ shall be opened and inspected before delivery to the incarcerated person. The purpose of inspection ~~will be~~ is to receive or document receipt of any funds enclosed for deposit to the incarcerated person's trust account, to verify and record the receipt of permitted personal property, and to prevent the introduction of contraband. All non-confidential incarcerated person mail, incoming or outgoing, is subject to being ~~read~~ reviewed in its entirety by designated staff. All non-confidential incarcerated person mail that is "returned to sender" shall be opened and inspected before being returned to the incarcerated person.

(A) When there is reasonable suspicion that an item of mail presents a threat to the security of the institution or the safety of persons, mailing or delivery may be delayed to allow for additional review. When such delay exceeds the delivery timeframes pursuant to section 3133, or if the item of mail is disapproved for any other reason, the incarcerated person shall be notified in writing of the delay, the reason for the delay, and all subsequent determinations and actions regarding that item of mail via CDCR Form 1819 (Rev. (02/23)(02/24)(08/24). Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference.

(B) Mail that is disapproved for any reason shall be processed through the issuance of a CDCR Form 1819.

(C) Each institution shall establish local procedures for tracking mail that is delayed or disapproved through this process.

~~(4) Facilities shall not require incoming books, magazines or newspapers to have an institution pre-approved "vendor approved" label affixed to the packaging. A departmentally approved vendor is any publisher, book store, or book distributor, that does mail order business. Books,~~

~~periodicals or other publications that are mailed from a religious organization shall be considered as coming from an authorized vendor.~~

(c) Confidential Mail with Inmate Trust Account Withdrawals. Incarcerated person confidential mail submitted with a CDC Form 193, Inmate Trust Withdrawal (Rev. 1/88), which is incorporated by reference to pay for filing fees or other costs may be left unsealed so that the voucher (check) can be enclosed after the trust account withdrawal has been processed. Incarcerated persons who do not wish to forward this type of mail unsealed ~~should~~ may attach a stamped, appropriately addressed envelope to the confidential mail so the check can be enclosed and forwarded in the extra envelope.

(d) ~~Undelivered~~ Returned Mail. All undelivered ~~letters~~ mail and packages returned to an facility institution by the ~~post office~~ United States Postal Service shall be opened and inspected before being returned to the incarcerated person. This inspection is to determine if the content originated with the incarcerated person sender identified on the ~~letter~~ mail or package, and to prevent the transmission of contraband, material, substances, and property that an incarcerated person is not authorized to possess in the correctional facility institution. ~~The inspection of returned mail includes regular mail and letters that were mailed as confidential correspondence.~~ In the case of returned confidential ~~correspondence~~ mail, the envelope mail shall be opened in the presence of the incarcerated person. It shall be examined ~~and read~~ to the degree necessary to determine if it was sent by the incarcerated person and not opened or tampered with before its return to the facility institution. Upon ~~completion of this examination~~ such confirmation, the returned ~~correspondence~~ mail shall be given to the incarcerated person. Any contraband found in the returned ~~correspondence~~ mail shall be confiscated and processed, and appropriate disciplinary action may be taken.

(e) ~~Unmailed Correspondence~~. If any First-Class Mail is not accepted from an incarcerated person for mailing, or is accepted for mailing but is not ~~properly mailed~~ provided to the United States Postal Service within five business days of receipt from the incarcerated person, the incarcerated person shall be notified in writing of the reason for the department's refusal to accept or to promptly mail the item(s) via CDCR Form 1819 (Rev. (02/23)(02/24)(08/24). Notification of Disapproval for Mail/Packages/Publications. ~~When the delay in mailing exceeds 5 business days, the notice shall be sent and include the disposition of such mail.~~ Unless retention of such mail is required in administrative, legal, or disciplinary proceedings against the incarcerated person or other persons, it shall be promptly mailed or returned to the incarcerated person.

(f) ~~Forwarding Mail~~. Mail received for an incarcerated person who has been transferred from the facility where the mail is received shall be immediately forwarded to the facility or agency that has current custody of the incarcerated person. Mail addressed to an incarcerated person who has been transferred or released shall not be returned to the sender as "Addressee Unknown" unless the individual has been discharged from CDCR. First Class Mail and Periodicals addressed to an incarcerated person who has been transferred within the CDCR shall have a label affixed with the current address and shall be forwarded via the USPS. For incarcerated persons who have paroled, the affixed label shall state "Paroled Region # ____", and shall show that Parole Regions' address. Standard Mail with a "Mailer Endorsement" that was appropriately addressed, but is undeliverable because the incarcerated person is no longer housed at the facility, shall be returned to the USPS for processing. Mailroom staff shall affix a label to the Standard Mail piece showing the correct address before returning it to the USPS for processing. For incarcerated persons who have paroled, the label affixed to the Standard Mail piece shall state "Paroled Region # ____" and shall show that Parole Regions' address. The Mailer Endorsement will appear either near the address block or below the return address in the top

left corner of the mail piece. A Mailer Endorsement may read "Address Service Requested", or "Forwarding Service Requested", or "Change Service Requested", or "Return Service Requested". Staff may dispose of any Standard Mail piece that does not have a Mailer Endorsement, and is undeliverable because the incarcerated person is not currently housed at the institution. Daily newspapers that are delivered by courier will not be forwarded nor will they be held for an incarcerated person who is temporarily away from the facility for longer than 72 hours. Exceptions will be made when the absence results from the incarcerated person's participation in facility approved activities such as a community release program, firefighting or other disaster control assignments. Newspapers that are delivered by the USPS will have a forwarding address affixed and shall be returned to the USPS for processing.

Forwarding First-Class Mail and Periodicals. ~~Except as specified in subsection 3133(h),~~ First-Class Mail and periodicals **(excluding newspapers)** received for an incarcerated person who is not housed at the location where the mail is received shall be forwarded to the location where the incarcerated person is currently housed. For First-Class Mail and periodicals **(excluding newspapers)** addressed to an incarcerated person who has paroled, staff shall note the address of the field office responsible for supervision of the supervised person and forward the mail accordingly for delivery to the supervised person. With the exception of confidential mail, all First-Class Mail and periodicals **(excluding newspapers)** shall be forwarded, **as soon as possible, but no later than** on a weekly basis. If the individual is no longer within the jurisdiction of the department or their location is unknown, the mailroom staff shall return the mail to the sender with a notation that the addressee is not at the institution and their address is unknown.

(g) Forwarding Confidential Correspondence. All confidential correspondence for incarcerated persons that must be forwarded will be done on a daily basis. If delivery of confidential correspondence from the courts is impeded because the addressee's name and CDCR number do not conform to each other, the mailroom will contact the Litigation Coordinator who will telephone the court to clarify the identification of the addressee in order to expedite delivery of confidential correspondence. Staff will document their efforts to identify the addressee when confidential correspondence from the courts cannot be delivered.

Disposition of Marketing Mail. Marketing mail received for an incarcerated person who is not housed at the institution where the mail is received shall be disposed of unless it includes an ancillary service endorsement. Marketing Mail with an ancillary service endorsement shall be processed as directed by the ancillary service endorsement, which may include forwarding in the same manner as First-Class Mail and periodicals under subsection 3133 (f).

(h) Newspapers. ~~Daily newspapers will not be forwarded, nor will they be held for an incarcerated person who is temporarily away from the facility for longer than 72 hours.~~

If an incarcerated person is temporarily away from the institution at the time a newspaper is processed, the newspaper shall be held and delivered upon the incarcerated person's return to the institution. Notwithstanding the forgoing, after one week of continuous absence, any undelivered newspapers held, processed, or received during the incarcerated person's absence shall be discarded. Exceptions will be made when the absence results from the incarcerated person's participation in institution approved activities such as a community release program, firefighting or other disaster control assignments or hospitalization. ***If the incarcerated person is no longer housed at the location where the newspaper is received,*** ~~Anewspapers that are~~ delivered by the USPS will have a forwarding address affixed and shall be returned to the USPS for processing.

(i) Forwarding Confidential Mail. All confidential mail received for an incarcerated person who has been transferred or paroled from the location where the mail was received, or is otherwise not located at the institution, shall be forwarded to the incarcerated person or supervised persons

within one business day of receipt by the institution. If the individual is no longer within the jurisdiction of the department or the individual's location is unknown, the mailroom staff shall return the mail to the sender with a notation the addressee is not at the institution and their address is unknown.

(h)(i) Temporary Absence. With the exception of Confidential Mail **and Daily Newspapers**, all mail shall be held for an incarcerated person who is temporarily away from the facility institution ~~when the incarcerated person's return is anticipated within~~ for one week **(seven calendar days) or less**. When the incarcerated person's absence lasts longer than a week, staff shall process the mail in accordance with subsection 3133 (f) through (h). Confidential Mail shall be forwarded in accordance with subsection 3133 (i) or as quickly as possible given the incarcerated person's circumstances.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procunier v. Martinez*, 416 U.S. 396; *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW and *Bell v. Wolffish*, 99 S. Ct 1861.

3134. General Mail Regulations.

(a) First-Class Mail ~~can have the following items enclosed, including but not limited to:~~ is limited to the following items, and subject to an incarcerated person's authorized property under section 3190.

(1) Written, typed, or printed communications on paper, addressed to a person or organization.

(2) Photographs, with the exception of photographs with attached backing, framed photographs that cannot be searched, Polaroid's, negatives, and slides.

(3) Calendars.

(4) Written and Blank greeting cards (No three-dimensional attachments or stamps).

(5) Postage embossed envelopes, up to forty.

(6) Business reply and metered envelopes.

(7) Blank envelopes.

(8) Writing paper/ or tablets (white or yellow lined only -- no cotton paper).

(9) Typing paper (no cotton paper).

(10) Legal paper, to include colored paper required by court rules (no cotton paper).

(11) Children's Drawings.

(12) Cardstock and drawing paper (white only).

(13) Newspaper clippings, Internet downloaded articles, photocopies of clippings/ articles, or electronic mail (e-mail) messages. Prior to issuance they shall be reviewed to ensure that they comply with sections 3006 and 3135.

(14) Forty postage stamps. If there is a rate change, then forty stamps at the old rate, and 40 stamps at the amount needed to equal the new rate. No personalized postage stamps will be allowed. The weight limit for First-Class Mail is 13 ounces, and for Standard Mail is 16 ounces. Photo albums can be obtained by the incarcerated person from the canteen and the Vendor Package Program. Any unacceptable mail shall be immediately returned to the sender with the envelope annotated "Unauthorized Mail, Return to Sender". Incarcerated persons shall be noticed pursuant to section 3136.

Maximum of 40 postage stamps. If there is a United States Postal Service rate change, an item of First-Class mail may include 40 stamps at the old rate, and 40 stamps at the additional amount needed to equal the new rate. Personalized postage stamps are prohibited.

(b) Business Reply and Metered Envelopes. Business Reply and Metered eEnvelopes sent in with correspondence mail must adhere to the following conditions:

- (1) The postage amount must be enough to prepay the postage in full.
- (2) Indicia may be printed directly on the mail piece or on a label and must be positioned appropriately.
- (3) Indicia used to prepay reply postage must not show the date.
- (4) The words "NO POSTAGE STAMP NECESSARY POSTAGE HAS BEEN PREPAID BY" must be printed above the address.
- ~~(c) Inspection of Incoming and Outgoing Packages will occur as follows:~~
 - ~~(1) Facilities will establish and make available to all incarcerated persons procedures for shipping packages to their correspondents.~~
 - ~~(2) Facilities will make available to all incarcerated persons local procedures for the receipt of packages from their correspondents in accordance with limits set for their assigned incarcerated person work/training incentive group. A facility may refuse to deliver the package if the incarcerated person is not qualified to receive it. If the package is in excess of the 30 pound limit, or is damaged, the package shall be returned to the vendor at the vendor's expense.~~
 - ~~(3) All incoming packages addressed to an incarcerated person shall be opened and inspected in the presence of the incarcerated person. The contents of the package are inspected to record authorized personal property, and to prevent the introduction of contraband.~~
 - ~~(4) Delivery by staff of packages, special purchases, and all publications, shall be completed as soon as possible but not later than 15 calendar days, except during holiday seasons such as Christmas, Easter, and Thanksgiving, and during lockdowns or modified programs of affected incarcerated persons.~~
 - ~~(5) All packages shall be processed and issued from a designated distribution area. All outgoing packages shall be inspected for contraband prior to being sealed and mailed.~~
- ~~(d)(c)~~ Contests. Incarcerated persons shall not participate in any contest when a financial obligation is involved or when such participation shall result in expense to the facility institution beyond the cost of processing the mail. If lottery tickets, lottery scratchers, or other contest materials, are discovered in incoming mail, the entire envelope and its contents shall be disapproved returned to sender with a pre-printed notice to the sender which states: "Unauthorized item". Incarcerated persons shall be notified of the disapproved mail via the issuance of a CDCR Form 1819 (Rev. (02/23)(02/24)(08/24). Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference, and given the opportunity to determine how to dispose of the mail under subsection 3191(c).
- ~~(e)(d)~~ Incarcerated person Manuscripts. Manuscripts include, but are not limited to, written, typed or printed articles of fiction and nonfiction, poems, essays, gags, plays, skits, paintings, sketches, drawings, or musical compositions created by an incarcerated person. Any manuscript remains the property of the incarcerated person who created it. It, and may be retained in the incarcerated person's possession, unless it violates sections 3006 or 3135. If unauthorized state materials have been used in the creation of a manuscript, the item shall be confiscated pending disciplinary action and reimbursement by the incarcerated person for the state materials. Incoming and outgoing manuscripts shall be processed as regular First-Class mMail in accordance with the provisions of this article.
- ~~(f)(e)~~ There shall be no limitations placed on the number of persons with whom an incarcerated person may correspond. With the exception of staff, contractors, service providers, and other persons as identified in section 3139, incarcerated persons and other persons are not required to receive pre-approval to correspond.

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

3134.1 Processing of Publications.

(a) Publications. Incarcerated persons may subscribe to, purchase, or have ~~items~~ publications sent in to them such as newspapers, periodicals, magazines or and books. ~~If subscriptions or books are purchased for the incarcerated person by a third party or donated to an incarcerated person, they must be mailed directly from a book store, book distributor, or publisher. Personal correspondents cannot mail books, periodicals, or other publications directly to incarcerated persons and state that they are a donation. There shall be no "Approved Vendor Lists" for any publications.~~

(b) Processing and Inspection of Incoming ~~Magazines and Newspapers~~ Periodicals. All incoming periodicals (e.g., magazines and newspapers) shall be inspected prior to issuance to ensure that they comply with sections 3006, 3134, and 3135. Items enclosed or Attached to the periodical, including free CD's and packaged samples of perfume, lotion, moisturizers, stickers, etc., or any item deemed to be contraband, ~~contained in magazines~~ shall be removed; and notification of such to the incarcerated person of such removal is not required. No other items shall be removed from a ~~magazine or other publication~~ periodical in order to issue it to an incarcerated person.

(c) Processing and Inspection of Incoming Books. All incoming ~~paperback~~ soft-back and hard-back books and any enclosures within them shall be inspected prior to issuance to ensure they comply with sections 3006, 3134, and 3135. For hard-back books, staff shall allow the to determine whether to accept the book with the cover removed or, if that option is declined, decide how the book is to be disposed of per subsection 3191(c). If the incarcerated person chooses to accept the book, staff shall ~~insure~~ ensure the book does not violate any other departmental regulation, and then shall remove the entire cover in front of the incarcerated person. Should such removal render the book unstable, staff shall take measures to ensure the book remains intact.

(d) Notifications; to the Publisher, to the Incarcerated Person, and to the Division of Adult Institutions (DAI) for Temporary Disapproval of Publication.

When an incoming books, magazines, or publications addressed to an incarcerated person are withheld or disallowed on a temporary basis by the institution pending approval from DAI, a letter shall be sent by the institution to the publisher explaining why the item was denied. A book, magazine, or publication denied to an incarcerated person(s) based on a violation of violates a departmental regulation or policy, and that is not included on the current Centralized List of Disapproved Publications (Centralized List) pursuant to subsection 3134.1(e)(f), shall only require one the publication shall be temporarily disapproved by the institution for delivery to the incarcerated person and written notification letter per institution to shall be sent to the incarcerated person and the publisher. The institution shall also notify the Division of Adult Institutions, who shall determine whether to make the temporary disapproval permanent.

Publications shall not be disapproved solely because they contain advertisements for products that may potentially be considered contraband or obscene. Publications shall only be disapproved if the advertisement itself or other content within the publication violates sections 3006, 3134, or 3135.

(1) Notification to the Publisher. At a minimum, the notification letter ~~must~~ shall include the reason why the book, magazine, or publication was ~~denied temporarily disapproved~~, the names and CDCR number for all incarcerated persons, the applicable CCR section that the publication violates, and a notice to the Publisher of their right to appeal pursuant to subsection 3137(e) the name and department identification number of the incarcerated person addressee. The notification letter ~~must~~ shall be sent within 15 calendar days of the institution's receipt of the

determination to disallow the book, magazine or publication, with a copy of the notification letter and supporting documents to be retained by the facility for a minimum of seven years. Notification to the publisher is required whenever an incarcerated person is denied a publication, even if the reason for the denial is unrelated to the content of the publication. When an institution processes multiple copies of a publication that has been temporarily disapproved for delivery to multiple incarcerated persons, additional notifications to the publisher shall not be required for each incarcerated person.

(2) Notification to the Incarcerated Person. Concurrent to the letter to the publisher, when incoming or outgoing publications addressed to or being sent by an incarcerated person are ~~withheld or disallowed temporarily disapproved~~, the institution shall also notify the incarcerated person addressee via CDCR Form 1819 (Rev. 07/18 (Rev. ~~(02/23)(02/24)~~ (08/24)). Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference. The CDCR Form 1819 shall include the reason for the temporary disapproval, ~~disposition~~, name of official ~~disallowing temporarily disapproving~~ the publication, and the name of the official to whom a grievance can be directed. The CDCR Form 1819 shall be issued to the incarcerated person within 15 calendar days of the institution's receipt of the publication.

(3) Notification to the Division of Adult Institutions (DAI). The institution shall ~~also concurrently notify DAI, who shall determine whether to make the temporary disapproval permanent and request that DAI affirm or deny the withholding of the temporarily disallowed publication.~~ The institution shall notify the DAI within 15 calendar days of the institution's receipt of the publication. ~~DAI The DAI shall make a decision shall provide the decision within 30 calendar days of receiving the request institution's notification.~~ If DAI affirms the withholding institution's disapproval of the publication, ~~disallowance of the publication disapproval~~ shall become permanent. If DAI ~~denies the withholding of the publication, the institution shall deliver the publication to the incarcerated person within 15 calendar days, upon receipt of DAI's decision.~~ The DAI shall also determine whether the publication shall be added to the Centralized List of Disapproved Publications pursuant to subsection 3133(e).

~~For periodicals, as defined in subsection 3133(a)(3), the DAI may include a periodical on the Centralized List, in accordance with subsection 3134.1(e), provided that all issues of the publication for twelve consecutive months violate departmental regulation or policy. However, an institution may disallow individual issues of a periodical in accordance with this subsection. The disallowance of individual issues of a periodical shall become permanent, as to those issues only, if DAI affirms an institution's decision to temporarily withhold or disallow the individual issues. If the DAI denies the institution's decision to temporarily withhold individual issues of a periodical, the institutional shall deliver those issues to the incarcerated person within 15 calendar days upon receipt of DAI's decision.~~

(e) Notifications to the Publisher and to the Incarcerated Person Regarding Outcome of the DAI's Decision. When the DAI makes the decision whether to make the disapproval of a publication permanent, they shall notify the publisher and the institution of the outcome. Within 15 calendar days of receipt of the DAI's decision, the institution shall notify the incarcerated person of the outcome via an updated CDCR Form 1819 (Rev. ~~(02/23)(02/24)~~ (08/24)). In the event the publication is not permanently disapproved, the institution shall deliver the publication to the incarcerated person within 15 calendar days of receipt of the decision.

~~(e)(f)~~ Centralized List of Disapproved Publications. The DAI shall ~~distribute~~ maintain and make available to each institution a Centralized List of Disapproved Publications that are prohibited as contraband as defined in section 3006. Examples of publications that would be included on the Centralized List would include, but not be limited to, publications that contain, ~~obscene material~~

~~as described in subsection 3006(c)(15), sexually explicit images that depict frontal nudity as described in subsection 3006(c)(17)(A) warfare or weaponry, bomb-making instructions, or STG written materials or photographs, as described in subsections 3378.2(b)(5)-(6). Publications that are enumerated on the Centralized List are not allowed in any institution. Local institutions may~~ shall not permanently disapprove publications or add items to the Centralized List of Disapproved Publications. When a publication is placed on the Centralized List of Disapproved Publications, the Division of Adult Institutions DAI shall send a letter to the publisher explaining why the publication was ~~excluded~~ added to the Centralized List of Disapproved Publications. At a minimum, the letter ~~must~~ shall include the reason why the publication is ~~excluded~~ was added, the applicable CCR section that the publication violates, and a notice to the ~~P~~publisher of its right to ~~complain~~ challenge the decision per CCR-subsection 3137(c). The letter ~~must~~ shall be sent by the DAI to the publisher within 15 calendar days of the decision to add the publication to the Centralized List of Disapproved Publications. ~~the determination to disapprove the publication, with a copy of the notification letter and supporting documents to be retained by the institution for a minimum of seven years.~~

(1) The Centralized List of Disapproved Publications may include specific issues of a periodical (e.g., a single issue of a magazine). The list may also include all past and future issues of a periodical, but only when the Division of Adult Institutions determines that all issues of the periodical published over a period of twelve (12) consecutive months violate departmental regulations.

(2) When a publication sent to an incarcerated person is on the Centralized List of Disapproved Publications, the institution shall not deliver the publication to the incarcerated person. Within 15 calendar days of receipt of the publication at the institution, the institution shall notify the incarcerated person via CDCR Form 1819 (Rev. ~~(02/23)~~(02/24)(08/24) that the publication is on the Centralized List of Disapproved Publications. No notification to the publisher is needed.

(3) The ~~department~~ institutions shall retain copies of all notifications and ~~copies of~~ supporting documents for a minimum of seven years for the following:

(A) The temporary and permanent disapproval of a publication.

(B) The addition of a publication to the Centralized List of Disapproved Publications.

(C) The disapproval of delivery of a publication to an incarcerated person already included on the Centralized List of **Disapproved** Publications.

(g) The disapproval of any publication, **regardless of how it is sent to an incarcerated person whether shipped via publications only package, vendor package or special purchase package,** shall be processed in accordance with this section.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procunier v. Martinez* (1974) 416 U.S. 396; *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW and *Bell v. Wolfish* (1979) 441 U.S. 520.

3135. Disturbing or Offensive Correspondence Mail.

(a) Non-confidential correspondence mail may ~~shall~~ be disallowed ~~disapproved~~ if the text of such correspondence content presents a danger, or a threat of danger, to any person. The authority to disallow ~~disapprove~~ such correspondence mail shall not be delegated below the custody staff level of Correctional/Institution Captain.

(b) Disagreement with the sender's or receiver's morals, values, attitudes, veracity, or choice of words will ~~shall~~ not be cause for correctional staff to disallow ~~disapprove~~ mail. Correctional sStaff shall not challenge or confront the sender or receiver with such value judgments.

(c) Certain ~~correspondence mail~~ and electronic communications, including but not limited to the following, ~~is shall be disallowed disapproved~~, regardless of values or morals, in order to ensure the safety and security of the institution/facility:

- (1) Any mail ~~or electronic communications~~ of a character tending to incite murder, arson, a riot, or any form of violence or physical harm to any person, or any ethnic, gender, racial, religious, or other group.
- (2) Threatens blackmail or extortion.
- (3) Contraband, or sending or receiving contraband.
- (4) Concerns plans to escape or assist in an escape.
- (5) Concerns plans to disrupt the order, or breach the security, of any facility/institution.
- (6) Concerns plans for activities which violate the law, these regulations or local procedures.
- (7) Contains coded messages.
- (8) Describes the making of any weapon, explosive, poison, or destructive device.
- (9) Contains illustrations, explanations, ~~and/or~~ descriptions of how to sabotage or disrupt computers, communications, or electronics.
- (10) Contains maps depicting any area within a ~~ten~~10-mile radius of an facility/institution.
- (11) Contains gambling or lottery information or paraphernalia.
- (12) Contains obscene material text obscene in nature defined in subsection 3006(c)(15).
- ~~(13) Contains human or animal hair, substances, or fluids.~~
- (13) Contains sexually explicit images as defined in subsection 3006(c)(16).
- (14) Contains any unknown solid, gel, or liquid substance; or contains any organic, toxic or hazardous material.
- ~~(14)~~ (15) Contains written materials, images, or photographs, or pictures that indicate an association with validated Security Threat Group (STG) members or associates, as described in subsections 3378.2(b)(5)-(6).

~~(d) Incarcerated persons shall not possess or have under their control obscene material and/or mail containing information concerning where, how, or from whom obscene material may be obtained. Obscene material means catalogs, advertisements, brochures, and/or material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest. It is material which taken as a whole, depicts sexual conduct, and lacks serious literary, artistic, political, or scientific value. Additionally, material is considered obscene when it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it appeals to deviant sexual groups. Material subject to the test of the above includes, but is not limited to, pictures or images that depict:~~

- ~~(1) Sexually explicit materials, which are defined as materials that show frontal nudity including personal photographs, drawings, and magazines and pictorials that show frontal nudity.~~
- ~~(2) Penetration of the vagina or anus, or contact between the mouth and genitals.~~
- ~~(3) Bestiality, sadomasechism, or an excretory function, including urination, defecation, or semen.~~
- ~~(4) Nudity of a minor, or person who appears to be under 18 years old.~~
- ~~(5) Conduct that appears to be non-consensual behavior.~~
- ~~(6) Conduct that appears to be forceful, threatening, or violent.~~
- ~~(7) Sexual conduct where one of the participants is a minor, or appears to be under 18 years old.~~

~~Text-only material shall not be considered obscene unless designated by the Division of Adult Institutions (DAI). DAI shall then place the designated text-only material on the Centralized List of Disapproved Publications, subject to subsection 3134.1(e).~~

~~(e)~~(d) If the receiver of any mail, confidential or non-confidential, directs a written complaint to administrative staff of the department or to institution officials, consideration ~~will~~ shall be given to any reasonable remedy sought by the individual. This may include discussion of the complaint with the incarcerated person in an attempt to resolve the matter, reading of all mail, including confidential mail, addressed to the individual, and either ~~disallowing~~ disapproving only that which appears to perpetuate the problem, or ~~disallowing~~ disapproving all mail to the individual. Complaints and requests for actions which would, if approved, restrict an incarcerated person's ~~correspondence~~ mail, and any action taken in response to such complaints or requests, ~~will~~ shall be fully documented on a CDC Form 128-B General Chrono (Rev. 4-74), which is incorporated by reference. The incarcerated person shall receive a copy of the documentation and the original shall be ~~placed in the incarcerated person's C-file~~ forwarded to case records to be entered into the Strategic Offender Management System.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396.

3136. Disapproval of Incarcerated Person Mail.

(a) ~~Disapproval of Incoming and outgoing incarcerated person mail, to include electronic mail and messages exchanged using electronic devices such as a tablet, kiosk, or laptop, that is in clear violation of CCR sections 3006, 3134, or 3135 shall be referred to custody correctional staff not below the level of Captain for determination and appropriate action. Disapproval of Incoming and outgoing incarcerated person mail that is not~~ may be in clear violation of CCR sections 3006, 3134, or 3135 shall be referred to the Warden or designee, but not lower than the Chief Deputy Warden, for determination and appropriate action. When incoming or outgoing mail, packages, or publications addressed to or being sent by an incarcerated person are ~~withheld or disallowed~~ is disapproved, the incarcerated person shall be informed via CDCR Form 1819 (Rev. ~~(02/23)(02/24)(08/24)~~ (02/23)(02/24)(08/24), Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference, of the reason, disposition. The CDCR Form 1819 shall include the reason for the disapproval, the applicable sections the incarcerated person mail violates, the name of the official ~~disallowing~~ disapproving the incarcerated person mail/package/publication, and the name of the official to whom a grievance can be directed. ~~Disapproved electronic mail does not require the completion of a CDCR Form 1819.~~

(b) When incarcerated person mail is disapproved based on the criteria established in this section, a copy of the CDCR Form 1819 and the supporting document(s) shall be retained by each institution for a minimum of seven years.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601~~(c)~~(d), Penal Code.

3137. Grievances and Appeals and Complaints Relating to Mail and Correspondences Publications.

(a) Incarcerated persons, their correspondents, and publishers may file a complaint regarding departmental rules, regulations, policies, approved institution procedures and their application relating to mail and ~~correspondence~~ publications.

(b) Incarcerated persons shall use the established administrative remedies procedures as provided in section ~~3480~~3481, et seq. to grieve or appeal the department's decision. Upon receipt of a CDCR Form 1819, (Rev. ~~(02/23)(02/24)(08/24)~~ (02/23)(02/24)(08/24), Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference, incarcerated persons shall

indicate on the form whether they want the institution to hold any disapproved mail or publications pending a departmental decision through the ~~established incarcerated person~~ grievance and appeal procedures in accordance with section 3482, et. seq. If the incarcerated person fails, Failure to do so may result in the complete and return the CDCR Form 1819 within 60 calendar days of receipt of the department's final decision, as documented on the CDCR Form 1819, the mailroom shall confirm whether the incarcerated person has filed a grievance, and if not, the mailroom shall dispose ~~of~~ of the item pursuant to subsection 3191(c). An incarcerated person's submittal of a grievance within ~~30~~60 calendar days of a notice that mail is being designated as undelivered of disapproved mail ~~will~~ shall postpone any disposition of the mail until the administrative remedies procedure is completed. The final decision rendered in the administrative remedies procedure shall determine disposition of mail. Items held through the administrative remedies process shall not be subject to the provisions regarding the holding of mail as outlined in section 3133 and the holding of disapproved of publications as outlined in section 3134.1.

(c) Persons other than incarcerated persons ~~should~~ may address any complaint relating to department policy and regulations to the Director, of the Division of Adult Institutions (DAI). Complaints relating to a specific institution procedure or practice ~~should~~ may be addressed in writing to the Warden, or Associate Director of the institution where the issue arises. A written response shall be provided within 15 ~~working~~ business days. Complaints that are not satisfactorily resolved at this level may be forwarded in writing to the Director, of the DAI who shall provide a written response within 20 ~~working~~ business days.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code; and *In re Muszalski*, 52 Cal. App. 3rd 500 and *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW.

3138. Indigent Incarcerated Persons.

(a) Upon the request of an indigent incarcerated person, as defined in Section 3000, writing paper, envelopes, a writing implement, and the postage required for five (5) ~~4~~ one-ounce First-Class letters per week, referred to as "indigent envelopes" shall be supplied. Incarcerated persons are not allowed to trade, transfer, or swap indigent incarcerated person supplies with another incarcerated persons.

(b) Except as provided in subsection 3138(h) ~~for mail to the courts or to the Attorney General~~, indigent incarcerated persons may use indigent envelopes request to mail ~~send~~ any type of ~~correspondence that weighs more than one ounce~~ mail. Indigent incarcerated persons must relinquish the appropriate number of indigent envelopes to either their assigned Correctional Counselor I or housing unit staff with the item to be mailed at a rate of one indigent envelope for each full or partial ounce of the item of mail. If the item to be mailed weighs one ounce or less, the indigent incarcerated person must relinquish one indigent envelope. If the item to be mailed weighs more than five ounces, the indigent incarcerated person ~~must~~ shall relinquish all five indigent envelopes. Staff ~~must~~ shall forward the indigent envelopes with the item to be mailed to the mailroom with the notation that it is to be mailed for the indigent incarcerated person. In order to facilitate ~~this~~ the mailing, if requested, staff shall provide the indigent incarcerated person with one appropriately sized envelope.

(c) Foreign mail requiring postage in excess of the minimum required for First-Class Mail shall be limited to two of the five letters.

(d) Indigent envelopes issued to an incarcerated person become their property. The incarcerated person shall be allowed to utilize the envelopes regardless of current financial status. ~~A charge~~

~~shall not be placed against future deposits to the incarcerated person's trust account to recover the cost of materials and postage provided, while the incarcerated person was indigent.~~

(e) All incarcerated person requests for indigent envelopes shall be reviewed for authorization authorized by the Institutional Incarcerated Person Trust Account Office.

(f) Any incarcerated person attempting to use a ~~State issued~~ an indigent envelope intended for issued to another incarcerated person who is indigent ~~shall may~~ be subject to receive progressive discipline pursuant to CCR section 3312.

(g) ~~Except as provided in subsection 3138(h), indigent incarcerated persons desiring to correspond with sending mail to their attorney or any other confidential correspondent shall be required to utilize their weekly allotment of use indigent supplies envelopes to send such correspondence the mail.~~

(h) ~~In addition to indigent writing supplies and postage for the five (5) one (1) ounce letters per week, indigent incarcerated persons shall have free and unlimited mail to any court or the Attorney General's Office, a public defender's office, or the Office of the State Public Defender~~

(1) Upon request, institutions shall also provide indigent incarcerated persons free copying of ~~the legal documents pleadings and court forms~~, limited to the number of copies of a document required by the court, plus one copy for the opposing party and one copy for the incarcerated person's records.

(2) If ~~the a~~ case is accepted by the court, the need for future copies of legal documents pleadings and court forms, and necessary postage ~~will~~ shall be evaluated on a case-by-case basis.

(3) A charge shall not be placed against future deposits to the incarcerated person's trust account to recover the cost of materials, copying, and or postage provided, while the incarcerated person was indigent.

(i) Each institution shall establish local procedures for the issuance of writing supplies and indigent envelopes to indigent incarcerated persons.

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

3139. Correspondence Mail Between Incarcerated Persons, Supervised Persons, and Probationers Other Persons.

(a) ~~Except as otherwise authorized by the department, incarcerated persons and supervised persons~~ shall obtain written authorization from the Warden or their designee, ~~the Regional Parole Administrator Assistant Deputy Director~~ or their designee/assigned probation officer, and from the person in charge of the County Jail and/or other State Correctional Systems county, state, or federal correctional system as applicable, at a level not less than ~~Correctional Captain/Institution Captain, or Parole Agent III, or their equivalent~~, to correspond with any of the following:

(1) Incarcerated persons under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.

(2) Persons committed to any county, state or federal program as a civil addict.

(3) Persons on parole or civil addict outpatient status under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.

(4) Persons on probation.

(b) Incarcerated persons may initiate requests to correspond with the above by contacting their Correctional Counselor I (CCI). ~~Supervised persons may initiate requests by contacting their Parole Agent I (PAI).~~

Incarcerated persons may be allowed to correspond with the persons described in subsections 3139(a)(1) through (4) provided those persons meet the criteria of approval of no known STG affiliation, or involvement with a known terrorist group or racketeering enterprise.

(c) Except as otherwise authorized by the department, supervised persons shall obtain written authorization to correspond with incarcerated persons under the jurisdiction of CDCR. Supervised persons may initiate requests by contacting their Parole Agent I (PAI).

(d) Incarcerated persons may be allowed to correspond with the persons described in subsections 3139(a)(1) through (a)(4) provided those persons meet the criteria of approval of no known STG affiliation, or involvement with a known terrorist group or racketeering enterprise, and would not otherwise pose a threat to the safety of the institution or other persons.

~~(e)~~ **(e)** The CCI/ or PAI shall interview the incarcerated person/ or supervised person and/ or review their C-file/Field File Strategic Offender Management System (SOMS) to obtain the information required to process an incarcerated person's **or supervised person's** Request for Correspondence Approval, CDCR Form 1074 (Rev. 08/8708/08), incorporated by reference. If an incarcerated person's request to correspond with another incarcerated person/supervised person is denied, the CCI/PA shall advise the incarcerated person in writing.

(1) When reviewing the initiating C-file/SOMS, staff shall ascertain whether prior approval exists. If prior approval exists, a copy of the previously approved CDCR Form 1074 (Rev. 08/8708/08) shall be forwarded to both institutional mailrooms, or relevant supervising authority, as applicable.

(2) When an initiating incarcerated person's request to correspond with another incarcerated person meets the criteria for approval per section 3139(b), and no prior approval exists, the CCI/PAI shall ensure that a CDC Form 1074 is completed. The decision to approve or deny mail between an incarcerated person ~~or~~ **and supervised person, or incarcerated person** and a person listed in subsection 3139(a)(1)-(a)(4) shall **be based in consideration of the safety and security of the institution or other persons and shall** be documented on the CDCR Form 1074 (Rev. 08/8708/08). If the request is denied, the reason for denial shall be documented on the form.

(3) If the request is approved, staff shall retain the fifth page in the C-File/Field/File at the requesting institution/parole office. The remaining four pages shall be forwarded, intact, to the institution/parole office/probation office/other county, state or federal institution where the other requested correspondent is housed. Neither a photocopy of the CDC Form 1074, nor the fifth page, shall be forwarded to the C-File or mailroom while the correspondence approval is pending. **Copies of the completed CDCR Form 1074 shall be provided to the incarcerated person or supervised person, to the corresponding institutional mailroom or field office, to the supervising authority of the intended correspondent, and retained in the SOMS.**

(4) If the request to correspond is denied at the institution/parole office/probation office/other state correctional receiving institution or field office, the reason for denial shall be annotated on the CDCR Form 1074 (Rev. 08/8708/08), and it shall be returned, in its entirety, to the sending institution/ or parole field office.

(5) Copies/photocopies shall not be delivered to the requested incarcerated person, the receiving institutions mailroom, or the housing unit.

(6) Upon receipt of the disapproved CDCR 1074 (Rev. 08/8708/08), staff at the sending institution/ or field office shall ensure that the 2~~nd~~ **second** page is returned to the initiating incarcerated person **or supervised person**.

(7) If correspondence is approved at the institution/ or parole field office, staff shall ensure that the CDCR Form 1074 (Rev. 08/8708/08) is completed. They shall retain the third and fourth

pages for distribution. If the third page and fourth pages are not legible, the CCI/ or PAI shall make ~~photo~~ copies of the first page prior to forwarding the completed CDCR Form 1074 to the sending institution or field office. The approved CDCR Form 1074 ~~will~~ shall be distributed as directed on the form.

(8) ~~Photos~~ Copies of the CDCR Form 1074 shall not be made for the housing unit(s). The housing units shall not keep records of approved correspondents.

(9) The mailroom supervisor shall establish and maintain a record of approved all completed CDCR Form 1074s.

(10) When a CDCR incarcerated person ~~or supervised person~~ requests to correspond with an ~~incarcerated person in a county, state, or federal institution, or if the request is from a county, state, or federal incarcerated person~~ a person listed in subsections 3139 (a)(1) through (a)(4) who is not under the jurisdiction of the department, the CCI ~~or PAI~~ shall ensure that a CDCR Form 1074(Rev. ~~08/8708/08~~) is completed along with a cover letter that thoroughly explains the need for the CDCR Form 1074(Rev. ~~08/8708/08~~). If the request is denied, the CCI ~~or PAI~~ shall ensure that a letter is forwarded to the ~~requesting~~ other agency thoroughly explaining the denial.

~~(d)~~ (f) There shall be no limits set on the number of times approved incarcerated persons/, supervised persons/, ~~probationers and persons listed in subsections 3139 (a)(1) through (a)(4)~~ can may correspond with send mail to one another, unless the approval is revoked. The approval to correspond may be revoked due to disciplinary violations involving correspondence mail between the incarcerated persons/, supervised persons and persons listed in subsections (a)(1) through (a)(4), as a result of or by a classification action based on documented safety and security concerns. The approval to send mail may also be revoked by the supervising authority of a person listed in subsections (a)(1) through (a)(4) who is not under the jurisdiction of the department. Any such restriction, or revocation of approval, shall be communicated in writing to the incarcerated person(s)/or supervised person(s), and to the wWarden(s)/or **Regional pParole aAdministrator(s) Assistant Deputy Director** of the institution/facility where the incarcerated person(s)/supervised person(s) are housed responsible for supervision of the incarcerated person or supervised person.

~~(e)~~ (g) Wardens at institutions where there are Restricted Housing Units (RHU) shall outline in their local procedure any further restrictions on correspondence due to safety and security concerns, limited to those specific housing units.

~~(f)~~ (h) Decisions whether to approve mail between an incarcerated person ~~or~~ and supervised person, ~~and~~ or incarcerated person and a person listed in subsections 3139(a)(1) through (a)(4) shall be made in consideration of the safety and security of the public, incarcerated persons and supervised persons, staff, or for other penological interests.

~~(f)~~ (g) (i) The most restrictive a institution can be with respect to incarcerated person is to limit correspondence between incarcerated persons to only the following Incarcerated person and supervised person mail privileges shall be unrestricted with the following individuals regardless of their custody status, unless the correspondent's actions violate sections 3006 or 3135, or are deemed to be a threat to incarcerated persons, supervised persons, staff, or the public:

(1) Immediate Family Members as defined in section 3000.

(2) Co-litigants on active cases, until the case is resolved.

(3) ~~Incarcerated n~~ Natural parent or legal guardian of the incarcerated person's or supervised person's child.

A facility may not restrict mail privileges between an incarcerated person and any of the above three types of correspondents, unless the incarcerated person or the correspondent violates section 3006 or other CCR section.

~~(g)(h)(i)~~ Approval to correspond shall remain in effect upon transfer to another departmental institution or another parole field office.

~~(h)(i)(k)~~ If an incarcerated person's transfer is based on case factors that create security concerns, such as, but not limited to, placement in restricted housing, a reexamination by committee of all approved correspondence shall be conducted. The CCI shall review and recommend to committee whether to continue approval of the correspondence.

~~(i)(j)(l)~~ If an institution/~~or parole field office~~ receives mail from an unapproved incarcerated person/supervised person correspondent, addressed to an incarcerated person ~~or supervised person~~ from a person listed in subsections 3139(a)(1) through (a)(4) who has not been approved to receive mail in accordance with this section, staff shall mark the envelope with "Not an Approved Correspondent" or equivalent language and return it to the sender issue a CDCR Form 1819 (Rev. ~~(02/23)(02/24)(08/24)~~, Notification of Disapproval for Mail/Packages/Publications, notifying the receiving incarcerated person ~~or supervised person~~ of the reason for disapproval, and shall allow the incarcerated person ~~or supervised person~~ to determine how to dispose of the mail under subsection 3191(c).

~~(j)(k)(m)~~ Incarcerated persons confined in departmental facilities institutions may correspond with former incarcerated persons. Prior approval of the wWarden, superintendent, or person in charge of the correctional institution is required if the person was discharged from a facility within the past twelve months.

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

3140. Funds Enclosed in Correspondence Mail

(a) Funds may be mailed to an incarcerated person in the form of a money order, cashier's check, certified check, personal check, or any other negotiable instrument except cash and traveler's checks.

~~(1) The personal check, money order, cashier's check, certified check, or any other negotiable instrument shall be made payable to the California Department of Corrections and Rehabilitation with the incarcerated person's last name and departmental identification number. This information, along with t~~The sender's first and last name and address, shall be on the face of the negotiable instrument.

~~(2) Negotiable instruments which do not contain the sender's name and address on the instrument's face shall be considered contraband. The incarcerated person shall be notified via a CDCR Form 1819 (Rev. ~~(02/23)(02/24)(08/24)~~, Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference. The negotiable instrument shall be held in the Inmate Trust Office safe pending the final disposition of the negotiable instrument, for thirty calendar days while the incarcerated person is contacted regarding the disposition of the negotiable instrument. The incarcerated person may choose to have the item destroyed or returned to the sender.~~

~~(3) Negotiable instruments which do not include the incarcerated person's last name and departmental identification number shall be returned to the sender as undeliverable.~~

~~(2)(4)~~ Funds from other incarcerated persons, supervised persons, or persons listed in subsections 3139(a)(1) through (a)(4) shall be ~~only~~ be accepted ~~only~~ from approved correspondents, pursuant to section 3139, who are immediate family members of the same family, as defined in section 3000, or who are the parents or legal guardians of the incarcerated person's child(ren).

~~(3)~~(5) Funds received in the mail shall be removed from the envelope by mailroom staff, and the envelope shall be imprinted with a stamp that reads "Funds Enclosed." The date, amount, and initials of the person processing the funds shall be recorded on the envelope before it is forwarded to the incarcerated person. The stamped envelope is the incarcerated person's receipt for the funds.

~~(4)~~(6) Cash received in incoming mail ~~will~~ shall be returned to the sender. Mailroom staff shall notify the incarcerated person via a CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~(08/24), informing them that cash was received and will be returned to the sender. The envelope containing the cash and ~~two copies of the memo will~~ a copy of the completed CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~(08/24), shall be forwarded to the Incarcerated Person Trust Office to be returned to the sender.

~~(5) If a personal check, money order, cashier's check, certified check, or any other negotiable instrument is received in the mailroom and it does not contain the sender's name and address on its face, it will be considered contraband per section 3006, and will be disposed of in accordance with section 3191(c). The negotiable instrument will be held in the Trust Office safe for thirty days while the incarcerated person is contacted in regards to the disposition of the contraband, in accordance with section 3191(c).~~

~~(6)~~(7) Mailroom staff shall arrange the day's remittances in numerical order. The remittances shall be listed in sequence on the report of collections. This report shall include each sender's name, incarcerated person's name, departmental identification number, type of payment, amount, and the total received. The report and remittances shall be delivered to the Incarcerated Person Trust Office.

(b) Generally, incarcerated persons are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits, or ~~W~~welfare checks from the California Department of Social Services/ or County Welfare agencies. Depending upon their eligibility, incarcerated persons may be ~~allowed~~ eligible to receive tax refund checks.

(1) A ~~facility~~ representative shall be appointed by the Associate Warden, Business Services, to assist outside agencies in determining an incarcerated person's eligibility.

(2) Mailroom staff shall deliver all received SSI, Veteran Affairs Benefits, ~~and/or~~ welfare, ~~and/or~~ tax refund checks to the Incarcerated Person Trust Office. The Accounting Officer shall notify the institution representative that checks are being held pending determination of eligibility of the incarcerated persons to receive the checks. The institution representative shall notify the appropriate agency.

(3) Unauthorized checks shall be returned to the appropriate agency.

(c) When a ~~U.S. Government check~~ negotiable instrument is received for an incarcerated person who is deceased or discharged from CDCR, the check and envelope shall be returned to the ~~sending agency~~ sender with the necessary information shown as to documentation of the incarcerated person being deceased or discharged.

(1) If an incarcerated person has been transferred to another ~~facility~~ institution, the ~~check negotiable instrument~~ shall be forwarded to the receiving institution mailroom for processing, including a note requesting the incarcerated person to notify the ~~state or federal agency~~ sender of their change of address.

(2) Mail Negotiable instruments received for incarcerated persons who have ~~been~~ paroled shall be forwarded to the appropriate parole field office, ~~of the parole region to which the incarcerated person was released, or if unable to locate the supervised person, the check should~~ If the individual is no longer within the jurisdiction of the department or the individual's location is

unknown, the negotiable instrument shall be returned to the originating state or federal agency sender.

(d) Funds shall not be released for spending by the incarcerated person for thirty (30) days from the date of deposit into the Incarcerated Person ~~Trust~~ Account and must have cleared the bank upon which they were drawn. When any ~~personal check, money order, cashier's check, certified check, or any other~~ negotiable instrument is received, the face of the envelope in which the funds were received shall be imprinted with a stamp indicating the funds have been accepted at this time. This stamp is not intended to indicate that the funds are immediately available for incarcerated person use, but only that the funds were accepted for processing by the department.

(e) No foreign currency shall be accepted. If foreign currency is received, the entire envelope and its contents shall be returned to sender with a pre-printed notice ~~to the sender~~ which states ~~it~~ foreign currency is unauthorized. The incarcerated person shall be notified via a CDCR Form 1819 (Rev. (02/23)(02/24)(08/24).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

3141. Confidential Correspondence Mail

a) Confidential ~~correspondence mail~~ is a right guaranteed by law. Using confidential ~~correspondence mail~~ for personal non-business ~~correspondence communications~~, the ~~transmission distribution~~ of contraband items, or the smuggling of ~~letters mail and or~~ other communications to be forwarded to persons not listed in subsection(c) is an abuse of this right and ~~such proven abuse~~ may be subject to disciplinary action as described in § sections 3314 and 3315.

(b) Confidential mail ~~will not be limited to First Class mail standards. Mail received from confidential correspondents will~~ shall be processed regardless of weight or postage class.

(c) Persons and employees of persons with whom incarcerated persons ~~may~~ are authorized to correspond confidentially and from whom incarcerated persons may receive confidential correspondence send and receive confidential mail include:

(1) All state and federal elected officials.

(2) All state and federal officials appointed by the governor or the President of the United States.

(3) All city, county, state and federal officials having responsibility for the incarcerated person's present, prior or anticipated custody, parole or probationary supervision.

(4) County agencies regarding child custody or child support proceedings, as clearly identified ~~in the communication and listed~~ on the envelope.

(5) All state and federal judges and courts.

(6) An attorney at law, on active status or otherwise eligible to practice law, listed with a state bar association.

(7) All officials of a foreign consulate.

(8) The Secretary, Undersecretary, ~~Chief Deputy Secretaries, Executive Director, Assistant Secretaries, Division Directors, Deputy Directors, Associate Directors, the Chief, Office of Appeals, and the~~ Office of the Lead Ombudsman's Office of the Department, the Board of Parole Hearings, and the Office of Legal Affairs.

(9) Department of General Services, Office of Risk and Insurance Management (DGS ORIM).

~~(10)-(9)~~ A legitimate legal service organization that consists of an established group of attorneys involved in the representation of offenders in judicial proceedings including, but not limited to:

(A) The American Civil Liberties Union.

(B) The Prison Law Office.

- (C) The Young Lawyers Section of the American Bar Association.
- (D) The National Association of Criminal Defense Lawyers.
- (E) California Appellate Project.

(11) All rape crisis centers and sexual victim advocacy groups.

(d) All incoming ~~confidential~~ mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office. Institution mailroom staff shall contact the CDCR Office of Legal Affairs Division at Headquarters if there is any question regarding the legitimacy of a legal service organization.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; *In re Jordan*, 12(1974) CA 3d 575 (1974); and *King v. Borg*, USDC-ED Case No. CIV. S-87-0519 LKK/PAN/P.

3142. Processing of Outgoing Confidential Mail

In order to be accepted and processed as confidential ~~correspondence~~ mail, an incarcerated person's ~~letter~~ mail shall comply with the following requirements:

(a) The ~~letter~~ mail ~~must~~ shall be addressed to a person or to the office of a person listed in § section 3141. The address of an attorney must match the address listed with the State Bar Association.

(b) The incarcerated person's full name, department identification number, and the address of the institution shall be included in the return address appearing on the outside of the envelope.

(c) The word "confidential" shall appear on the face of the envelope. Failure to do this ~~will~~ shall result in the letter being processed as regular mail or being returned to the incarcerated person if ~~for any reason~~ the mail cannot be processed as regular mail.

(d) Incarcerated persons shall ~~post~~ send outgoing confidential mail by presenting the mail unsealed to designated staff. In the presence of the incarcerated person, the staff shall remove the contents of the envelope upside down to prevent reading of the contents. Staff shall remove the pages and shake them to ensure there is no prohibited material, consistent with these regulations. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.

(e) If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the incarcerated person or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative ~~and/or~~ disciplinary action shall also be taken against all parties involved.

(f) If the incarcerated person's or addressee's name or address information contains errors, the letter shall be returned to the incarcerated person unopened as unable to be mailed. In accordance with section 3144, staff shall not read contents of the confidential mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

3143. Processing of Incoming Confidential Mail

Incoming ~~letters~~ mail ~~must~~ shall show the name, title, return address and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential ~~correspondence~~ mail. An attorney's return address must match the address listed with the a State Bar Association. A notice or request for confidentiality is not required on the envelope. ~~Correspondence~~ Mail that is ~~appropriately~~ properly addressed with a return address that

indicates it may be confidential shall be processed and treated as confidential ~~correspondence mail whether or not it is stamped as such.~~

(a) Designated staff shall open the ~~letter~~ confidential mail in the presence of the addressed incarcerated person at a designated time and place. Staff shall not read any of the enclosed material. Staff shall remove the pages and shake them to ensure the absence of prohibited material.

(b) Incarcerated persons shall sign for all confidential mail at the time of delivery. This shall be accomplished by use of a permanent logbook or use of receipts. If receipts are used, the receipts shall be forwarded to the mailroom for filing. The log book at a minimum ~~must~~ shall record the date of delivery, the incarcerated person's name and departmental identification number, and the sender's name and address.

(c) Incoming mail that does not meet the criteria in this section, shall be processed as regular mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

3144. Inspection of Confidential Mail.

Confidential mail ~~will~~ shall be opened and inspected for contraband in the presence of the incarcerated person addressee. Inspecting correctional ~~officials~~ staff ~~will~~ shall not read any of the contents of the confidential mail. Confidential mail may be further inspected, for cause only.

(a) Cause may include, but is not limited to, the reasonable belief by correctional ~~officials~~ staff ~~of that the letter is not addressed to or is not from an official or office listed in Section 3141 or when other means of inspection indicates the presence of physical contraband in the envelope mail.~~ In such instances the mail ~~will~~ shall be opened in the presence of the incarcerated person for determination. Staff shall contact the Headquarters CDCR Office of Legal Affairs if there are any questions regarding confidential mail.

(b) Administrative action may be taken to restrict, for cause, the confidential mail privileges afforded to an ~~attorney~~ any person listed in subsection 3141(c) pursuant to this Article.

(1) A first offense of a non-serious ~~mail rule violation~~ of the department's confidential mail regulations shall result in a written warning or up to a six-month suspension of the ~~attorney's~~ confidential mail privileges for a person listed in subsection 3141(c). **A non-serious mail violation means a violation of the incarcerated person regulations that is not chargeable as a felony but is nevertheless unlawful, such as an enclosure of contraband into the confidential mail, or a misrepresentation of the sender or addressee's identity.**

(2) A second offense of a non-serious ~~mail rule violation~~ of the department's confidential mail regulations shall result in modification/ or suspension of confidential mail privileges for a period of up to twelve months.

(3) A third offense of a ~~similar nature and/~~ non-serious violation of the department's confidential mail regulations or a ~~first offense~~ any violation of the department's confidential mail regulations that could be charged as a felony that jeopardizes the safety of persons, or the security of the institution, shall result in confidential mail privileges being suspended from one year up to an indefinite period of time.

(4) ~~The attorney must petition the Warden or Director of the Division of Adult Institutions (DAI) for reinstatement of confidential mail privileges.~~

~~The confidential mail privilege may be a statewide suspension for any offense that could be prosecuted as a felony. Only the Director of the DAI or designee shall issue a statewide suspension of confidential mail privileges.~~

A determination to suspend confidential mail privileges between an incarcerated person and a person listed in subsection 3141(c) shall not be delegated below the classification of Warden. Only the Director of the Division of Adult Institutions (DAI) or designee can issue a statewide suspension of confidential mail privileges. Changes to a decision shall be addressed by the Director, DAI or their designee. **Factors for consideration when determining the duration of a modification or suspension of confidential mail privileges to include but are not limited to the risk of harm to the safety and security of incarcerated persons, staff or members of the public, the number of violations, and the evidence that a violation was intentional.**

(5) Any person listed in subsection 3141(c) may request reinstatement of their confidential mail privileges in writing to the Warden or Director of DAI. **A decision to approve or deny a request for reinstatement shall be made on a case-by-case basis, in consideration of the totality of circumstances resulting in the suspension of confidential mail privileges. Factors for consideration includes but are not limited to evidence of good standing with a State Bar Association or with the community, as relevant, and lack of additional violations of departmental rules.**

(c) Upon determining that ~~the envelope~~ confidential mail contains prohibited material or that contraband as described in section 3006, or if there is a misrepresentation of the sender's or the addressee's identity, the letter and any enclosures content may be examined and read in its entirety to determine the most appropriate of the following actions:

(1) When the prohibited material or misrepresentation of identity indicates a violation of the law or an intent to violate the law, the matter ~~will~~ shall be referred to the appropriate criminal authorities for possible prosecution. Any case referred to criminal authorities ~~will~~ shall be reported to the Director of the DAI. When a case is referred to criminal authorities and the determination is made not to prosecute, the fact of the referral and the determination made ~~will~~ shall be reported to the incarcerated person and to the incarcerated person's correspondent. The Director of the DAI ~~will~~ shall be informed of the outcome of all referrals to criminal authorities.

(2) When an incarcerated person's action ~~or complicity~~ indicates a violation of law, the regulations set forth in this article, or approved institution mail procedures, ~~the matter may also be handled by appropriate~~ the incarcerated person may be subject to disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code; and *Wolff v. McDonald*, 94 S. Ct. 2963 (1974).

3145. Enclosures Envelopes in Confidential Mail.

When the inspection of confidential ~~correspondence~~ mail ~~discloses~~ reveals the presence of printed ~~enclosures~~ envelope(s), the ~~enclosures~~ envelope(s) ~~will~~ shall be treated in the same manner as confidential ~~correspondence~~ mail pursuant to sections 3142 and 3143. The incarcerated person ~~will~~ shall not be given the ~~enclosures~~ envelope(s) or be allowed access to the ~~enclosures~~ envelope(s) except as authorized in the following subsections:

(a) The incarcerated person may consent to an immediate examination of the ~~enclosure~~ envelope(s) by staff who issues mail. Such examination ~~will~~ shall be limited to the extent necessary to determine if the ~~enclosures~~ envelope(s) may be ~~safely admitted into the institution under the standards of Penal Code Section 2601.~~ disapproved as contraband under sections 3006, 3134 or 3135. Staff shall not read written material on the envelope(s). ~~The conclusion of the examiner will be written.~~ Staff shall write on the ~~enclosure~~ envelope(s) that it has been reviewed, and be dated and signed by the examiner and shall include their signature and the date. If the ~~enclosures~~ envelope(s) can be safely admitted into the institution, it ~~will~~ shall be given

to the incarcerated person. ~~If in the examiner's opinion the enclosure does not meet the standards of Penal Code Section 2601 and cannot be safely admitted into the institution, If the envelope(s) constitutes one or more items identified in sections 3006, 3134, or 3135, it will~~ shall be referred to staff at ~~not less than the Correctional/Institution Captain's level~~ not below the rank of Captain for final determination. If not released to the incarcerated person, ~~at this level, the incarcerated person will be allowed access to the enclosure only as authorized in subsection (b)~~ the disapproved envelope(s) shall be documented via issuance of a CDCR Form 1819 (Rev. (02/23)(02/24)(08/24), Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference. The incarcerated person shall determine how to dispose of the envelope(s) under subsection 3191(c).

(b) The incarcerated person may decline to consent to examination of ~~enclosures~~ envelope(s) in confidential mail ~~by any staff~~. When this occurs, the ~~enclosures~~ envelope(s) ~~will~~ shall be immediately placed in a separate envelope and ~~the envelope will be sealed in the presence of the incarcerated person. The separate envelope will~~ shall, at the incarcerated person's choosing, be returned to the sender with the mailing cost charged to the incarcerated person's trust account, or disposed of pursuant to subsection 3191(c). The incarcerated person is ~~entitled to keep~~ shall be issued the letter or correspondence remaining contents of the confidential mail and the envelope it came in.

(c) Any person who examines the contents of mail under the authority of this article or in connection with an grievance or appeal by an incarcerated person of a ruling under this article, ~~must~~ shall keep the content of the material which was examined in strict confidence. No original, copy, excerpt, or summary of ~~personal correspondence~~ confidential mail to or from an incarcerated person shall be made or ~~be placed in an incarcerated person's C-file entered in the Strategic Offender Management System (SOMS) unless such correspondence mail is or has been the subject of:~~

- (1) Legal, disciplinary, criminal investigation, or casework determination and actions affecting the incarcerated person: ; or
- (2) When the recipient of an incarcerated person's disturbing or offensive mail corresponds with the institution and requests administrative action, ~~subject to~~ under section 3135: ; or
- (3) If an incarcerated person requests that a copy of ~~personal correspondence~~ confidential mail be ~~placed in their C-file entered into SOMS and the incarcerated person's caseworker~~ Correctional Counselor I deems it appropriate to do so based on the relationship relevance of the ~~correspondence mail~~ to the incarcerated person's incarceration.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2600, Penal Code; and *In re Jordan*, 12 (1974) CA3d Cal. 575 (1974).

Section 3146. Mail in Languages other than English

Mail may be subject to a delay for translation of its contents by staff, due to the availability of resources required to provide translation services. When such delay exceeds the established timeframes for the delivery of mail as outlined in sections 3133 and 3147 ~~normal mail processing by five business days~~, the incarcerated person shall be notified in writing of the delay via CDCR Form 1819 (Rev. (02/23)(02/24)(08/24), Notification of Disapproval for Mail/Packages/Publications, which is incorporated by reference, including the reason for the delay, and subsequent determinations and actions regarding that item of mail. If staff are unable to translate the letter and its contents within 20 business days of notice to the incarcerated person, then the letter shall be delivered to the incarcerated person untranslating. Unless the item is determined to contain contraband as described in sections 3006, 3134 or 3135, staff shall

deliver the mail to the incarcerated person within 30 calendar days of the notice, regardless of translation.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code.

Section 3147. Definition and Disposition of Mail. [Renumbered] Special Purchases, Vendor Packages, and Publications-Only Packages

(a) Except as otherwise authorized by the Division of Adult Institution (DAI), incarcerated persons are only authorized to receive the items identified within section 3134 from personal correspondents. All other items which are authorized to be mailed or shipped to incarcerated persons shall be in the form of:

(1) Special purchases as defined in subsection 3190(l).

(2) Vendor packages as referenced in subsection 3190(h), or

(3) Publications-only packages, which are defined as packages that only contain books or periodicals.

(b) Special purchases and vendor packages shall ~~be only be~~ provided ~~only by departmentally approved vendors as outlined in section 3190 or as otherwise permitted in regulations.~~ Publications-only packages shall only be mailed or shipped to the institution directly from a bookstore, distributor, publisher, religious organization, or ~~departmentally approved vendors as outlined in section 3190.~~

(c) Inspection of incoming and outgoing packages shall occur as follows:

(1) Institutions shall establish and make available to all incarcerated persons, procedures for shipping packages to persons outside of the institution.

(2) Institutions shall make available to all incarcerated persons, local procedures for the receipt of packages in keeping with incarcerated person property limits under section 3190, and based on an incarcerated person's security level and privilege group. An institution ~~may shall~~ refuse to deliver a package if the incarcerated person is not authorized to receive it. ~~Vendor p~~ Packages in excess of 30 pounds and all damaged packages shall be returned at the ~~vendor's sender's~~ expense.

(3) With the exception of publications-only packages, all incoming ~~vendor~~ packages shall be opened and inspected in the incarcerated person's presence. The package contents shall be inspected to record authorized personal property, and to prevent the introduction of items disapproved under sections 3006, 3134 and 3135. All unauthorized ~~vendor~~ packages and special purchase items shall be processed in accordance with subsection 3191(c).

(4) Publications-only packages may be opened and inspected outside the incarcerated person's presence, and the contents shall be processed in accordance with section 3134.1. There shall be no limit placed on the number of publications-only packages an incarcerated person may order; however, incarcerated persons shall be limited to the number of publications they may retain under section 3190.

(5) All vendor packages, special purchases, and publications-only packages shall be delivered to incarcerated persons no later than 15 calendar days from receipt at the institution, except during ~~peak mail seasons, such as the week before and after Easter, the week of Thanksgiving through the New Year, except during holiday seasons such as Christmas, Easter, and Thanksgiving,~~ or as a result of lockdowns or modified programs.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2080, 2600, 2601, 4570 and 5054, Penal Code; *Procunier v. Martinez*, (1974) 416 U.S. 396; *Bell v. Wolfish*, (1979) 99 S.

Ct. 1861; *Thornburgh v. Abbott* (1989) 109 S. Ct. 1874; *Turner v. Safely* (1987) 107 S. Ct. 2256; *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW and Sections C031.3.0 and C031.5.4, Domestic Mail Manual, issue 46 7/1/93, U.S. Postal Regulations.

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 2. Incarcerated Person Resources

Article 9. Personal Property and Religious Personal Property

Section 3190. General Policy

Subsections 3190(a) through (g) are unchanged.

(h) Incarcerated persons may ~~acquire~~ receive authorized incarcerated person ~~vendor~~ packages based upon their privilege group, pursuant to section 3044. ~~Incarcerated person Vendor~~ ~~PP~~ Packages shall be ordered by incarcerated persons or their correspondents via a departmentally approved package ~~incarcerated person package vendors~~. All ~~vendor~~ packages shall be shipped to the incarcerated person's institution/facility by the departmentally approved vendor in a sealed container. ~~Incarcerated person Vendor PP~~ Packages, not including special purchases or publications-only packages, are shall be limited to a 30-pound weight limit and maximum dimensions of 24" x 24" x 24".

(i) Incarcerated persons may possess allowable authorized food, and personal care, hygiene items, and personal clothing in their quarters/living areas, subject to subsections 3190(a) and (b), unless otherwise prohibited by these regulations. The total volume of canteen merchandise retained in possession of an incarcerated person shall be pursuant to section 3094. Incarcerated persons shall be required to maintain their purchase receipt to verify ownership of their purchases until such items are expended.

(j) Incarcerated persons shall be restricted to only clear (see-through) personal care/ and hygiene items encased in clear containers or tubing based upon industry availability. An exemption shall be authorized by the institution's health care manager or chief medical officer when ~~an exemption to the clear item and/or clear case requirement is~~ deemed medically necessary ~~by a physician~~. Such exemption shall not exceed one (1) year. If the condition persists beyond one year, the incarcerated person shall submit another exemption request.

(k) Incarcerated persons shall only be permitted to possess state-issued clothing and authorized personal clothing subject to subsections 3190(a)-(e)(e).

(l) Incarcerated persons shall be allowed special purchases of authorized personal property items from either departmentally-approved ~~incarcerated person~~ package vendors, departmentally-approved vendors of religious items, or locally-approved special purchase vendors. The institution head or their designated staff shall ensure approved vendor catalogs and order forms are available to eligible incarcerated persons ~~who qualify~~. Special purchases are limited to shall only include the following:

(1) Health Care Appliances, subject to prescription by health care staff and approval by designated custody staff, and shall be excluded from the six cubic foot limitation of subsection 3190(e)(f).

(2) Legal Material, including but not limited to, legal reference material, ~~books~~ publications, and legal pads ~~not available in the institution canteen~~, pursuant to section 3161. There shall be no "Approved Vendor Lists" for any legal publications. Incarcerated persons may receive legal publications ~~from any publisher, book store or book distributor that does mail order business directly from bookstores, book distributors, publishers that conduct mail order business, religious~~

organizations, ~~or from departmentally approved vendors packages as outlined in this section.~~ There shall be no requirement for the publisher, bookstore, book distributor, or similar vendor to receive approval from the department prior to sending legal publications to incarcerated persons. There shall be no weight restrictions for legal books.

(3) Correspondence Courses, subject to approval by the supervisor of correctional education programs and designated custody staff.

(4) Religious Items, as authorized by the Religious Personal Property Matrix. Special purchases of religious items ~~will~~ shall be from departmentally ~~approved~~ vendors of religious items only. Departmental approval of vendors of religious items ~~will~~ shall be at the determination of the Statewide Religious Review Committee (SRRC). Departmental approval of each vendor's religious items offered for sale to be shipped to incarcerated persons shall be in accordance with the Religious Personal Property Matrix as determined by the SRRC.

(5) Handicraft Material, subject to approval by handicraft manager and designated custody staff.

(6) Entertainment Appliances, Headphones, Earbuds, and Musical Instruments, subject to section 3190 ~~qualifying privilege group, and/or security level/institution mission.~~

~~(7) All publications, including books and subscriptions to periodicals, subject to section 3006. There shall be no "Approved Vendor Lists" for any publications.~~

~~(8)~~ (7) Network capable tablets. Incarcerated persons expressly authorized by the Secretary to possess network capable tablets are listed in the Authorized Personal Property Schedules, pursuant to subsections 3190(b)(1) through (b)(5).

Subsections (m) through (u) are unchanged.

(v) All allowable incarcerated person property shall be inventoried, documented, and stored for incarcerated persons transferred Out-to-Medical or Out-to-Court, or placed in segregated housing, a Correctional Treatment Center, or an Outpatient Housing Unit, until the incarcerated person returns. Specific to publications, incarcerated persons in restricted housing units shall be afforded the opportunity to choose which publications they want to maintain in their assigned living quarters and the publications that shall be stored as excess personal property.

Subsection (w) is unchanged.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, ~~2604~~, 5006 and 5054, Penal Code; *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984; *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, *Rhoades v. Montgomery*, No. EHC01917, *Taylor v. Hubbard*, No. CV-00404-BAM PC, *Rouser v. White* Settlement Agreement, No. CV-0767-LKK-GGH(PC); *Prison Legal News v. Schwarzenegger* Settlement Agreement, No. Civ-07-02058 CW and Religious Land Use and Institutionalized Persons Act, 42 United States Code sections 2000cc et seq.

NOTIFICATION OF DISAPPROVAL FOR MAIL/PACKAGES/PUBLICATIONS

CDCR 1819 (Rev. 08/24)

Page 1 of 1

INCARCERATED PERSON'S (IP) NAME	CDCR NUMBER	HOUSING
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A) MAIL / PACKAGES SECTION (COMPLETE FOR MAIL AND PACKAGES ONLY)

INCOMING MAIL/PACKAGE	OUTGOING MAIL/PACKAGE
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LIST ITEM(S) WHICH MEET DISAPPROVAL CRITERIA

DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA (INCLUDE CCR, TITLE 15 SECTION)

B) PUBLICATIONS SECTION (COMPLETE FOR PUBLICATIONS ONLY)

TITLE OF PUBLICATION (INCLUDE ISSUE/DATE)	PUBLISHER	PAGE(S) WHICH MEET DISAPPROVAL CRITERIA
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DESCRIPTION OF MATERIAL THAT MEETS DISAPPROVAL CRITERIA (INCLUDE CCR, TITLE 15 SECTION)

INITIAL REVIEW (COMPLETE FOR MAIL, PACKAGES, AND PUBLICATIONS)

PRINTED NAME OF STAFF	SIGNATURE OF STAFF	DATE SIGNED	DATE FORWARDED TO CAPTAIN
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CAPTAIN REVIEW APPROVED TEMPORARILY DISAPPROVED FORWARD FOR WARDEN/DESIGNEE REVIEW

PRINTED NAME OF CAPTAIN	SIGNATURE OF CAPTAIN	DATE SIGNED	DATE FORWARDED TO IP
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FINAL DECISION APPROVED DISAPPROVED (COMPLETE FOR MAIL, PACKAGES, AND PUBLICATIONS)

PRINTED NAME OF WARDEN/DESIGNEE	SIGNATURE OF WARDEN/DESIGNEE	DATE SIGNED	DATE FORWARDED TO IP
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APPROVED/DISPOSITION**SENDER/DESIGNEE INFORMATION**

<input type="checkbox"/> RETURNED TO IP _____ (DATE)	FIRST NAME	MI	LAST NAME
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DISAPPROVED/ IP'S RESPONSE

<input type="checkbox"/> HOLD PENDING IP GRIEVANCE/APPEAL	ADDRESS (NUMBER AND STREET)
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<input type="checkbox"/> RETURN TO SENDER/DESIGNEE _____ (AT IP'S EXPENSE) (DATE)	ADDRESS (CONTINUED)
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<input type="checkbox"/> DISPOSE - DISPOSED _____ (DATE)	CITY	STATE	ZIP CODE
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IP SHALL RESPOND WITHIN (60) CALENDAR DAYS FROM THE DATE OF THE FINAL DECISION, OTHERWISE MATERIAL(S) WILL BE DISPOSED.**ALL GRIEVANCES/APPEALS REGARDING MAIL/PACKAGES AND PUBLICATIONS SHALL BE PROCESSED IN ACCORDANCE WITH TITLE 15, SECTION 3481.**

PRINTED NAME OF INCARCERATED PERSON	SIGNATURE OF INCARCERATED PERSON	DATE SIGNED
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DISTRIBUTION:	1. Mailroom/Receiving and Release (R&R) staff completes white (original), upon initial review, then forwards to Captain for decision. 2. Captain completes white (original), then provides that decision or forwards to Warden/Designee if decision cannot be made, green copy to incarcerated person. 3. Captain/Warden/Designee provides final decision to Approval/Disapproval - goldenrod/pink/canary copies to incarcerated person. 4. Incarcerated person provides response, retains canary , and returns goldenrod/pink copies to Mailroom/R&R. 5. Mailroom retains goldenrod copy with white (original) and forwards pink copy to Sender/Designee.
A)	
DISTRIBUTION:	1. Mailroom/R&R staff completes white (original), upon initial review then forwards to Captain for decision. 2. Captain completes white (original), then forwards to Headquarters, or Warden/Designee if temporary decision cannot be made, green copy to incarcerated person. 3. Headquarters renders final decision within 30 calendar days. 4. Upon receipt of Headquarters' final decision to approve/disapprove, Captain completes white (original), then forwards goldenrod/pink/canary copies to incarcerated person. 5. Incarcerated person provides response, retains canary , and returns goldenrod/pink copies to Mailroom/R&R. 6. Mailroom retains goldenrod copy with white (original) and forwards pink copy to Sender/Designee.
B)	

INITIAL STATEMENT OF REASONS- 2nd ADDENDUM

In addition to the changes to the text, the department determined that corrections and additional statements of necessity and clarity were needed for the Initial Statement of Reasons. Those corrections and additional statements are shown below in **bold double underline** and ~~**bold double strikethrough**~~. The department determined additional revisions to the 1st 15-day re-notice were needed and appear in **italicized bold dash** and ~~**italicized bold double strikethrough**~~ format.

“All instances of the terms ‘inmate,’ ‘supervised person’ were replaced in OAL matter 2024-0521-02 with the new terms ‘incarcerated person,’ and ‘supervised person’ effective July 1, 2024. These changes are not indicated here by ~~**italicized bold double strikethrough**~~ and **italicized bold dash** because they have already been changed in the California Code of Regulations by OAL matter 2024-0521-02. Any instances of the terms ‘inmate’ and ‘supervised person’ not affected by OAL matter 2024-0521-02, but which are changed in this text, are illustrated using **italicized bold dash** and ~~**italicized bold double strikethrough**~~.”

The California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend the California Code of Regulations (CCR) Title 15, Division 3, Chapter 1, Article 1, Behavior, section 3006 Contraband, Chapter 1, subchapter 2. Inmate Resources: Article 4, Mail, sections 3130- 3146, adopt section 3147, and amend Article 9, General Policy, section 3190.

In 2007, CDCR and Prison Legal News (PLN) filed with the court a settlement agreement pursuant to the Prison Legal News v. Schwarzenegger lawsuit, which pertains to publications, mail, and property for incarcerated persons. These regulations are being amended to update compliance with the settlement agreement, and to improve clarity in the regulations.

These amendments will update the definitions for obscene and sexually explicit images and text as they pertain to contraband items. These changes incorporate definitions previously identified within other areas of the regulations to provide an exhaustive list of contraband items which shall not be possessed by the inmate population. These changes provide clarity to staff and inmates for the purposes of making determinations on the disapproval of these types of items and the consequences of possessing such items.

These proposed changes will update and help to clarify department regulations concerning mail. Specifically, mail definitions have been updated to be consistent with United States Postal Services standards and to incorporate allowable personal property items which can also be obtained through personal correspondence into the mail regulations to provide consistency and standardization in the interpretation for these types of allowable items. Definitions and processes for books and packages solely containing books have been incorporated into the regulations. These processes include timeframes for the review, delivery, forwarding, and disapproval of all forms of mail items to provide clarity to staff and inmates on the expectations for handling mail-related materials. The use of the CDCR Form 1819 (Rev. ~~(02/23)~~(02/24)(08/24)) is included throughout the regulations to provide reference to the official document that staff and inmates shall utilize when mail, packages, or publications are disapproved for any reason. This update ensures proper notification is provided to all impacted parties and provides the department with

an official record of decisions that may be challenged through the grievance and appeals processes outlined within the regulations.

The revisions provide updates to the incarcerated person property regulations by specifically allowing incarcerated persons, who live in segregated housing, the ability to choose which publications they want to maintain in their assigned living quarters and the publications that shall be stored as excess personal property. Legal publications as referenced within the incarcerated person property regulations have been updated to identify where these may be obtained from, which is consistent with all other forms of publications as detailed within the mail regulations. This provides consistency throughout and clarifies the types of publications that shall be allowed by the department.

CONSIDERATION OF ALTERNATIVES:

The department must determine that no reasonable alternative is being considered, or that has otherwise been identified and brought to the attention of the department, will be more effective in carrying out the purpose for which this action is proposed, will be as effective and less burdensome to affected private persons than the action proposed, or will 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), the department has made the following assessments regarding the proposed regulations: This action will not have a significant 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.

Significant Adverse Economic Impact on Business

The department has made an initial determination that the proposed 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 affect the internal management of prisons only.

Creation of New or 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 elimination of existing jobs within California as the proposed regulations affect the internal management of prisons only.

Creation of New, Expansion or the Elimination of Existing Businesses Currently Doing Business 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 businesses within California or affect the expansion of businesses currently doing business in California as the proposed regulations affect the internal management of prisons only.

BENEFITS OF THE REGULATIONS:

The proposed regulations will benefit staff and incarcerated persons by aligning the regulations with agreements made within the 2007 PLN Settlement Agreement and provide clarity regarding

how publications, mail, and incarcerated person property are processed. These updates provide consistency in ensuring incarcerated persons have equal access to mail, publications, and packages, while also ensuring the department maintains accountability in providing proper notification and justification for the disapproval of these items. The department also recognizes the importance of the administrative remedies process in which incarcerated persons may challenge a decision regarding the disapproval of items. These changes are provided in an effort to reduce the amount of contraband sent into an institution from outside entities, give staff the resources needed to adequately review and make a determination for all inspected mail-related items, and to outline all applicable steps that must be taken in the delivery, forwarding, and disapproval of such items, along with any applicable penalties for non-serious and serious violations of the regulations.

MATERIALS RELIED UPON:

CDCR, in proposing amendments to these regulations, relied, in part, upon the following documents:

- The 2007 Prison Legal News v Newsom Settlement Agreement.
- Mailing Standards of the United States Postal Service (USPS) Domestic Mail Manual.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE 11346.2(B)(1):

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3006. Contraband

Section 3006 is unchanged and added for reference.

Subsection 3006(a) is amended to remove the word “wireless” from the last sentence as it is duplicative. This change is necessary to provide clarity to the text.

Subsection 3006(a) is amended to remove the incorrect reference of “(k)(8)”, and replace with “(l)(7)”. This subsection refers to network capable tablets specifically authorized by the Secretary and identified within these regulations as allowable personal property.

Subsection 3006(b) is amended to remove the word “may” and replace with “shall” to indicate that incarcerated persons are not allowed to have money. This change is necessary to provide clarity to the intent of the sentence. Specifically, “may not” implies a discretionary restriction, whereas “shall not” makes it clear that incarcerated persons are prohibited from possessing money. Additionally, the word “will” is replaced with “shall” to provide clarity. The use of “shall” more clearly conveys the requirements of money being credited to the incarcerated person’s trust account.

Subsections 3006(c)(1) through 3006(c)(4) are unchanged.

Subsection 3006(c)(5) is amended to remove the word “facility” and replace with “institution” because they are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution.

Subsections 3006(c)(6) through 3006(c)(8) are unchanged.

Subsection 3006(c)(9) is amended to remove “and/”. This change is non-substantive because “and/or” has the same meaning as “or” in this instance.

Subsection 3006(c)(11) is amended to remove “in subsection (15) below” and replace with “subsections 3006(c)(15)-(16)” as these two subsections provide definitions for obscene and sexually explicit material that shall be disapproved if discovered within catalogs, advertisements, brochures, or other commercial material.

Subsection 3006(c)(12) is amended to remove the word “facility” and replace with “institution,” because they are synonymous terms. This change is necessary to clarify the text applies to the entire institution not just a facility or certain area within the institution. The word “ten” was removed and replaced with the number “10-” and the letter “n” was added as a non-substantive change for grammar.

Subsection 3006(c)(13) is unchanged.

Subsection 3006(c)(14) is amended to remove the word “below” and replace with “(c)” in front of 15 and “or sexually explicit in nature as described in subsection (c)(16),” as subsection (c)(15) provides the definition for obscene material and (c)(16) defines sexually explicit material. This change is necessary to clarify that obscene material which may include text or other markings shall be disapproved and that sexually explicit material which depicts sexual imagery shall also be disapproved if discovered on an envelope.

Subsection 3006(c)(15) is amended to remove the word “material” and replace with “text”, and the phrase “and mail containing information concerning where, how, or from whom obscene material may be obtained.” is replaced with the phrase “For the purposes of this section, obscene text is any text that:” These changes restructure how obscene text and sexually explicit images are defined as contraband under subsections 3006(c)(15) and (c)(16), to separate the definition of obscene text and sexually explicit images, and to provide clarity for staff and incarcerated persons. Specifically, obscene text must be reviewed differently than sexually explicit images because the display of a single sexually explicit image contributes to a hostile atmosphere and violates Federal Equal Employment Opportunity standards. This is not the case with text only documents. Therefore, text documents shall only be denied when they fall under the categories of subsections 3006(c)(15)(A)-(B), or if they contain sexually explicit images as outlined in subsection 3006(c)(16).

Subsection 3006(c)(15)(A) is amended to ~~remove the phrase “obscene material means material taken as a whole, which” and replace with “Any text that” and remove the multiple use of the phrase “taken as whole” to provide clarity to the sentence. revert back to the original text at the beginning of the sentence to include “Taken as a whole, which to”. This provides clarification that obscene text must be taken as a whole when determining whether or not, the text appeals to prurient interests as established within these regulations. This change more closely aligns with the Penal Code.~~ This change further defines the separation of obscene text as opposed to sexually explicit images which is moved to subsection 3006(c)(16) and evaluated independently. A non-substantive grammatical change was made to provide clarity to the sentence.

Subsection 3006(c)(15)(B) is amended to ~~remove the phrases “when it appears” and “that it” as a non-substantive grammatical change that does not change the meaning of the sentence. deleted. This deletion is necessary because the text “deviant sexual groups” is~~

not expressly defined within these regulations and is subjective in nature. This subsection provides specific examples of obscene text that can be objectively applied when considering whether an item is determined to be contraband.

Subsection 3006(c)(15)(C) is amended for proper alphanumeric placement due to the deletion of subsection 3006(c)(15)(B).

Subsection 3006(c)(15)(B)(C) is amended to remove the text “Material subject to the tests in paragraphs (A) or (B)” and replace with “May” and “written depictions of the following”. This change is necessary to reflect that the depictions outlined in the following subsections are specific to text and must be reviewed on a case-by-case basis to determine if they qualify as obscene material. This change was made as part of a larger restructuring of what is considered to be obscene text vs sexually explicit images in subsections 3006(c)(15) and (c)(16).

Existing subsection 3006(c)(15)(C)(1) is renumbered to 3006(c)(16)(A)(3). This change is necessary as part of restructuring subsections 3006(c)(15) and (c)(16), clarifying what is to be considered obscene text vs. what is considered sexually explicit images, both of which are contraband. Specifically, these subsections are restructured to separate the review of text in 3006(c)(15) from the review of images under (c)(16).

Existing subsection 3006(c)(15)(C)(2) is renumbered to subsection 3006(c)(15)(C)(1) and remains unchanged.

Existing subsection 3006(c)(15)(C)(3) is renumbered to subsection 3006(c)(16)(A)(5).

Subsection 3006(c)(15)(C)(4) is renumbered to subsection 3006(c)(15)(C)(2) and amended to add the word “sexual” in front of conduct. This change clarifies that the behavior identified in this subsection is specific to sexual conduct. A non-substantive change was made to the word conduct by changing the capital “C” to lowercase for proper grammar.

Subsection 3006(c)(15)(C)(5) is renumbered to subsection 3006(c)(15)(C)(3) and amended to add the word “sexual” in front of conduct. This change clarifies that the behavior identified in this subsection is specific to sexual conduct. A non-substantive change was made to the word conduct by changing the capital “C” to lowercase for proper grammar.

Subsection 3006(c)(15)(C)(6) is renumbered to subsection 3006(c)(15)(C)(4) and amended to add the word “sexual” in front of conduct. This change clarifies that the behavior identified in this subsection is specific to sexual conduct. A non-substantive change was made to the word conduct by changing the capital “C” to lowercase for proper grammar.

Subsection 3006(c)(15)(D) is repealed and detailed in section 3134.1 to provide clarity within this Article, as all publications are submitted to DAI for review, whether they are photographic or textual.

Subsection 3006(c)(16) is relocated and renumbered as 3006(c)(17).

Subsection 3006(c)(17) is renumbered to 3006(c)(16) and amended to remove the text “that depict frontal nudity in the form of personal” and “magazines or other pictorial formats” and replaced with “including pictures” and ~~“images in electronic”~~ to redefine sexually explicit images as pictures, photographs, and drawings ~~to include images in electronic format~~, with further

defining subsections (A)(1_u) through (A)(8_u) as introduced and described below. This change is necessary to provide clarity in the definition of sexually explicit images, ~~to include identifying new technology formats within departmental regulations.~~ The department has determined that the review process of electronic media is subject to separate due process provisions and removed all references to electronic media in this regulatory package as it will be addressed in a separate rulemaking package. The original phrase “,or other pictorial” was added back in because the department determined this language is necessary to represent the various types of formats in which incarcerated persons obtain images. An “s” was added to the word “format” for proper sentence structure.

Subsection 3006(c)(16)(A) is amended to add the phrases “For the purposes of this section, examples of” and “images include, but are not limited to, the following:” and remove the phrase “material shall be defined as material that shows the frontal nudity of either gender, including the fully exposed female breast(s) and/or the genitalia of either gender.” These changes are part of the restructuring of how obscene text and sexually explicit images are defined as contraband under subsections 3006(c)(15) and (c)(16). This restructuring is necessary to separate the definition of obscene text and sexually explicit images. This provides clarity for staff and incarcerated persons and reflects that the display of sexually explicit images contributes to a hostile atmosphere, and violates Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(A)(1) is adopted to add text regarding the appearance of the individuals’ fully exposed breast, that may appear to be female in contrast with their gender identity. This change is necessary to reflect gender equity in the review of sexually explicit images, and to identify images in this subsection that are prohibited in the institution. Specifically, the display of sexually explicit images contributes to a hostile atmosphere and violates Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(A)(2) is adopted to establish that images of the genitalia of any gender are sexually explicit and contraband. The addition of this text is necessary because images identified in this subsection are prohibited in the institution as they violate Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(A)(3) is adopted to establish that images that portray penetration of the vagina or anus, or contact between the mouth and the genitals, are sexually explicit and contraband. The addition of this text is necessary because images identified in this subsection are prohibited in the institution as these images conflict with the goals of rehabilitation, contribute to a hostile atmosphere, and violate Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(A)(4) is adopted to establish that images depicting bestiality, sadomasochism, or an excretory function including urination, defecation, or semen are considered contraband. The addition of this text is necessary, as images identified in this subsection are prohibited in the institution as they conflict with the goals of rehabilitation, contribute to a hostile atmosphere, and violate Federal Equal Employment Opportunity standards.

Existing subsection 3006(c)(16)(A)(5) is renumbered from subsection 3006(c)(15)(C)(3) to establish that nudity of a minor, or person who appears to be under 18 years old is considered sexually explicit material. This language was reintroduced in this subsection because nudity is a visual reference and is reasonably included here as a reference of sexually explicit images. The

addition of this text is necessary, as images identified in this subsection conflict with the goals of rehabilitation, contribute to a hostile atmosphere, and violate Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(A)(6) is adopted to establish that sexual conduct which appears to be non-consensual behavior is considered sexually explicit material. The addition of this text is necessary, as images identified in this subsection are prohibited, contribute to a hostile atmosphere, increase tensions among those who live and work in the institutions.

Subsection 3006(c)(16)(A)(7) is adopted to establish that sexual conduct which is or appears to be forceful, threatening, or violent is considered sexually explicit material. The addition of this text is necessary, as images identified in this subsection are prohibited in the institution as they conflict with the goals of rehabilitation, contribute to a hostile atmosphere, and violate Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(A)(8) is adopted to establish that sexual conduct where one of the participants is a minor or appears to be under 18 years old is considered sexually explicit material. The addition of this text is necessary, as images identified in this subsection are prohibited in the institution because these images conflict with the goals of rehabilitation, contribute to a hostile atmosphere, and violate Federal Equal Employment Opportunity standards.

Subsection 3006(c)(16)(B) is amended to remove the word “material” and replace with the word “images”. This change supports the previous restructuring of subsection 3006(c)(15) and 3006(c)(16) of what is considered to be obscene text vs sexually explicit images.

Subsection 3006(c)(16)(B)(1.) is amended to replace the “/” with “,” to identify that departmentally purchased or acquired medical, scientific, and artistic materials as defined within this subsection which contain sexually explicit content shall be allowed. This subsection is also amended to remove the word “or” and replace it with “and,” to clarify that sexually explicit images identified within subsection 3006(c)(16) shall be allowed, whereas the word “or” is unclear, and suggests that one or the other may be allowed. **The word “legal” was added to provide clarity to the text that legal materials are included in the list of approved items.**

Subsection 3006(c)(16)(B)(2.) is amended to replace the “/” with “,” to identify that medical, scientific, or artistic materials as defined within this subsection that have been approved by the institution head or their designee shall be allowed. Additionally, “and/” is replaced with “or.” This change is non-substantive, as “and/or” means the same thing as “or.”

Existing subsection 3006(c)(18) remains unchanged.

Existing subsection 3006(c)(19) is amended to remove the numbers (5)-(6), because they are an incorrect reference. Additionally, the “s” was removed from subsections as a non-substantive grammatical change because it no longer applies.

Existing subsection 3006(c)(20) is amended to replace “and” with “or”. This change is necessary to clarify that each item listed is contraband. Additionally, to remove (k) and replace with (l). **The number (8) is removed and replaced with (7).** This change is necessary to provide proper reference to the supportive subsection, **which correctly refers to network capable tablets authorized by the Secretary.**

Subsection 3006(c)(21) remains unchanged.

Subsection 3006(d) is amended to remove the word “facility” and replace with “institution,” because they are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution.

Sections 3007 through 3124 remain unchanged.

Section 3130 is amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility of the institution or a certain area within the institution. The word “the” is added in front of “regulations” for proper sentence structure. The words “regulations,” “offensive,” and “correspondence” are changed to lower case format, as these words are not official titles. The text “is not authorized pursuant to section 3134” is added to be inclusive of general mail regulations. This change is necessary to provide reference to the list of permitted mail items. The language “determined to be” is added to reflect that a decision must be made before an article of mail can be considered to be disturbing or offensive as defined within section 3135 of these regulations. The terms “regulations” and “offensive” are changed to lower case as they are not utilized as part of a title. The word “correspondence” is removed because this sentence is specifically addressing mail.

Section 3130 NOTE: is amended to delete (d) and replace with (c) for proper reference citing to Penal Code section 2601.

Section 3131 is amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The phrase “the mail” is added in front of “procedures” to clarify that the language of this section is specific to mail procedures. “Of the correctional facility is removed” due to redundancy. The first sentence within this section applies these changes to the entire institution. “departmental” is added to indicate that all mail procedures shall conform to CDCR regulations and policies. The word “relevant” was added in front of provisions of law to clarify that mail procedures are subject to applicable provisions of law. A comma was added after the word “law” as a non-substantive change because it changes punctuation without changing the meaning. The phrase “made reference to” is removed and replaced with “relevant”. This change is necessary to provide clarity to the sentence, based on the previous changes made to this section.

Subsection 3132(a) is amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The words “incarcerated persons and” are added to clarify that all persons, including incarcerated persons, shall comply with existing laws. The word “must” is replaced with “shall”. This is a non-substantive change because must and shall mean the same thing, and this change provides consistency throughout the text. A comma is added after the word regulations to provide correct punctuation to the sentence. The word “will” is replaced with “shall”. This is a non-substantive change because will and shall mean the same thing. This change provides consistency throughout the text. “Appropriate criminal” is replaced with “prosecuting” to

better explain that criminal activity shall be referred to the appropriate prosecuting authorities (i.e., city, county, state, federal agencies). The phrase “as appropriate” is added to identify that various criminal acts shall be referred to the prosecuting authorities as determined by CDCR. The word “correspondence” is replaced with “mail” to provide consistency within these regulations.

Subsection 3132(b) is amended to remove the word “must” and replace with “shall”. This is a non-substantive change because must and shall mean the same thing, and this change provides consistency throughout the text. This subsection is amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. A comma was added after the word incarcerated persons as a non-substantive grammatical change.

Section 3132 NOTE: is amended to add the proper reference citing, by adding (c)(1) in reference to Penal Code 2601 and deleting cited Penal Code section 5058.

Subsection 3133(a) is amended to remove the word “Definitions” and replace with “For the purpose of this Article, the following definitions shall apply”. This is necessary to clarify that the definitions provided within this subsection are only to be understood and utilized in the context of departmental mail procedures. **The phrase “,mail is defined by” is added and the phrase “definitions shall apply” is deleted. This change is necessary to provide clarity regarding how mail is defined throughout this article by specifically stating that mail is defined by the list of items provided in subsections 3133(a)(1)-(6).**

Subsection 3133(a)(1) is amended to provide updated terminology as it pertains to First-Class Mail in keeping with modern terms used by the United States Postal Service (USPS). The phrase “is all mail wholly or partly in writing or typewriting” is replaced with “includes all handwritten or typewritten material”. This change is necessary to be consistent with the current terms used by the USPS. “Actual and” is removed, as this language is not clear and does not enhance the meaning of the sentence. The word “correspondence” is replaced with “mail” throughout this subsection to be consistent with the verbiage utilized throughout this Article. “All personalized business mail” is added to replace the removed words, “all bills and statements of account, and all matters sealed or otherwise closed against inspection,” to establish that personalized business mail encompasses the aforementioned items. Additional language has been added to provide examples of items that fall under the First-Class Mail category. If the item in question is received via envelope it shall be processed as mail. If the item is received via box, it shall be processed as a package. This subsection is also amended to clarify that First-Class Mail shall be delivered within seven calendar days from receipt at the mailroom. “as soon as possible” is removed from this sentence as this language is subjective and may be interpreted differently between institutions. **The phrase “as soon as possible, but” is added back into the regulations because while the department may have seven calendar days to deliver First-Class Mail, it is expected that First-Class Mail shall be delivered as soon as possible. Upon further consideration, the department determined the term “as soon as possible” is not subjective and is understood to mean at the first available opportunity. By adding this phrase back into the regulations, it ensures that mail shall be delivered without unnecessary delays.** The word “facility” is removed and replaced with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The overall intent of amended language within this subsection is to provide clarity and detail regarding the

classification of mail and packages. Additionally, these changes standardize mail processing and language used throughout this Article. **The text “unless disapproved in accordance with this section 3136 or as otherwise provided in this Article” is added to provide clarity by including all reasons that the delivery of First-Class Mail could be delayed as detailed throughout these regulations.**

Subsection 3133(a)(2) is amended to replace “Standard” with “Marketing” to provide updated terminology, currently used by the USPS. “Is used for” is removed and replaced with “includes” to provide a list of materials that are classified as Marketing Mail. “And” is removed for proper grammar, because “solicitation of donations” is added to this subsection as an example of an additional type of mail item that shall be categorized as Marketing Mail. The word “newsletters” is removed from this subsection and reintroduced in subsection 3133(a)(3) to reclassify newsletters as a form of a periodical publication which is released at specified intervals. The words “that are not required to be mailed as First-Class Mail” are removed because marketing has been identified as a separate type of mail.

Subsection 3133(a)(3) is amended to add “newsletters and” as another form of periodical, which are defined as publications that are published at least four times a year at regular, specified intervals. This change is necessary as newsletters are better defined as periodicals versus Marketing Mail, where they were previously listed in the regulations. **The phrase “at least four times a year at regular, specified intervals” is deleted. This change is necessary to provide clarity to the departmental definition of a periodical, in that the number of times a periodical is published within a year does not have an impact on how the department classifies and processes the periodical. Further, this change is consistent with the Merriam Webster definition of periodicals which states in part that a periodical is published with a fixed interval between the issues or numbers, but does not specify a minimum number of times per year.** The word “or” is removed for the use of proper grammar. The text, “the known office of publication must be a public office for transacting the business of the publication during normal business hours and must also be the office where the publication’s circulation records are available for USPS examination” is repealed as, although the description is derived from USPS policies, it is not relevant to departmental operations. ~~Language is added to clarify that periodicals shall be delivered to the incarcerated person within 15 calendar days of receipt of the item at the institution mailroom. This is necessary for consistency and mirrors the established timeframes for the delivery of packages to incarcerated persons. Reference is made to section 3134.1, which details the process for the disapproval of publications. The language regarding the delivery of periodicals was removed and adopted in new subsection 3133(a)(3)(A). This change provides clarity by restructuring these subsections consistent with 3133(a)(4)(A)-(a)(4)(D).~~

Subsection 3133(a)(3)(A) is adopted to specify that periodicals shall be delivered as soon as possible but no later than fifteen (15) calendar days. This change provides consistency with the timeframes established for the delivery of packages within section 3147 of these regulations. The text “or as otherwise provided in this Article” is added to provide clarity by including all reasons that the delivery of a periodical could be delayed as detailed throughout these regulations.

Subsection 3133(a)(3)(B) is adopted to establish that incarcerated persons may receive periodicals from bookstores, book distributors, publishers, religious organizations, or from departmentally approved vendors. The language “from departmentally approved vendors” is removed and replaced with “or in packages as outlined in 3190.” This change is necessary to establish that periodicals may be received in packages and special purchases which are described within section 3190 of these regulations. This change is necessary to avoid any potential confusion between different types of packages by referencing the relevant section. This change is necessary to avoid any potential confusion between different types of packages by referencing relevant section. This change is necessary to avoid any potential confusion between different types of packages by referencing the relevant section. This change is necessary to provide clarity and establishes consistency with subsection 3133(a)(4)(B). The department authorizes incarcerated persons to receive periodicals in the same manner as books. Additionally, this change to text follows the terms outlined in the Prison Legal News Settlement Agreement.

Subsection 3133(a)(3)(C) is adopted to clarify that the department shall not require vendors and religious organizations to have prior approval from the department before sending periodicals to incarcerated persons. The term “vendors” is removed and replaced with “businesses listed in section 3133(a)(3)(B)”. This is necessary to clarify that bookstores, book distributors, publishers that conduct mail order business, and religious organizations are specifically referenced within this section and that subsection 3133(a)(3)(C) applies to those businesses. This change establishes consistency with subsection 3133(a)(4)(C). This change is in compliance with the terms of the Prison Legal News Settlement Agreement.

Subsection 3133(a)(3)(D) is adopted to clarify that the department shall not impose a weight limitation on periodicals, nor limit the frequency in which incarcerated persons may receive periodicals. This change is consistent with subsection 3133(a)(4)(D). A weight limit is unnecessary as long as the incarcerated person’s property remains within the property allowance limits pursuant to section 3190.

Subsection 3133(a)(4) is repealed and replaced with the definition of books. The definitions of packages are moved and described in section 3147. This restructuring of the regulations is necessary as mail is processed within the institution's mailroom, while packages follow a separate process. This provides clarity by defining packages within their own section. This distinction is important, as prior to this change, books were processed in the same manner as other packages, which required them to be opened, inspected and reviewed for content in the presence of the incarcerated person.

New subsection 3133(a)(4)(A) is adopted to establish a time frame for the delivery of books, which shall be no later than 15 calendar days, unless they are disapproved. This change provides consistency throughout the Article, by establishing the same timeframes for the delivery of books, periodicals, and packages. Additionally, the phrase “as soon as possible, but” is added to establish that while the institution may have fifteen (15) calendar days to deliver books to the incarcerated person recipient, it is expected that all books shall be delivered as soon as possible. This is necessary to provide consistency with section 3147 regarding delivery timeframes. The text “or as otherwise provided in this Article” is added to provide clarity

by including all reasons that the delivery of a book could be delayed as detailed throughout these regulations.

New subsection 3133(a)(4)(B) is adopted to establish who is authorized to send books ~~and periodicals~~ to incarcerated persons. Books ~~or periodicals~~ must be ordered from a third party and may not be sent directly from personal correspondents. This lists includes bookstores, book distributor, publishers that conduct mail order businesses, religious organizations, or in packages. This The text “or periodicals” is removed. This change is necessary to provide clarity by separating periodicals and books. This also provides consistency between this subsection and the newly established subsections 3133(a)(3)(B)-3133(a)(3)(D) that solely address periodicals. The language “from departmentally approved vendors.” is removed and replaced with “packages as outlined in section 3190.” This change is necessary to establish that books may be received in the form of a package, which is described within section 3190 of these regulations. Additionally, “departmentally approved vendors” is removed so as not to create potential confusion as to different sources of packages, instead directing the reader to section 3190, which specifies the process for packages.

New subsection 3133(a)(4)(C) is adopted to establish that books may be ordered from any recognized distributor and religious organization. Vendors are not required to receive CDCR approval to sell books ~~and periodicals~~ to incarcerated persons. The removal of periodicals from this subsection is necessary to provide clarity by separating periodicals and books. This also provides consistency between this subsection and the newly established subsections 3133(a)(3)(B)-3133(a)(3)(D) that solely address periodicals. This text is necessary to comply with the 2007 Prison Legal News (PLN) settlement agreement by not requiring publication vendors to be pre-approved. The term “vendors” is removed and replaced with “businesses listed in section 3133(a)(3)(B)”. This is necessary to clarify that bookstores, book distributors, publishers that conduct mail order business, and religious organizations are specifically referenced within this section and that subsection 3133(a)(4)(C) applies to those businesses.

New subsection 3133(a)(4)(D) is adopted to establish that books are exempt from weight limit restrictions and there is no limit on how often incarcerated persons may purchase or receive them; however, an incarcerated person may only possess the number of books permitted based on their custody level and privilege group status as outlined in section 3190. This brings the department in compliance with the 2007 PLN settlement agreement.

New subsection 3133(a)(5) is adopted to establish a definition for ancillary service endorsements. This provides staff clarification regarding the types of ancillary service endorsements an incarcerated person is allowed to receive through the mail.

~~**New subsection 3133(a)(6) is adopted** to establish a definition for electronic mail and messages, which may include photographs and images. These messages are shared between the incarcerated person and their correspondents’ using tablets, kiosks, and laptops. This language is necessary to include new technology formats into departmental regulations. New subsection 3133(a)(6) text is deleted and replaced with a reference to confidential mail. The deletion is necessary to provide consistency throughout the text. The department has determined that the review process of electronic media is subject to separate due process provisions and removed all references to electronic media in this regulatory package as it will be addressed in a separate rulemaking package. The adoption of the new subsection 3133(a)(6) establishes that confidential mail, as defined within~~

section 3141 is a separate form of mail recognized by the department and shall be processed in accordance with section 3141 of these regulations.

Subsection 3133(b) is amended to add the subsection title text “Disposition of Mail”. This is necessary to provide a clear distinction that this subsection and the following subsections spell out the details for the processing and disposition of mail.

Subsection 3133(b)(1) is amended to replace the word “appropriately” with “properly” to ensure the mail is addressed correctly, while the term appropriately is more situational. This change provided clarity to the text. The word “incoming” is added to the first sentence to provide clarity that this subsection is specific to incoming mail. The verbiage “the address of” is added to provide clarity regarding what the receiving institution is required to update. The sentence regarding Standard Mail is removed and replaced with new text to eliminate redundancy within this subsection. The new text expands the statement to include all incoming mail (where before it was limited to Standard Mail) and provides direction that all incoming mail which is missing the incarcerated person’s last name or department identification number shall be returned to the USPS as undeliverable. **This change is necessary because mail lacking a last name or identification number does not contain sufficient information to make a determination on the intended recipient.**

Subsection 3133(b)(2) is amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The language “if addressed to an incarcerated person” is removed from this subsection and replaced with “properly addressed mail sent by an incarcerated person.” The word “must” is replaced with “shall”. This is a non-substantive change because they mean the same thing. This is necessary because specific information is required to be included in all outgoing mail. A timeframe of five business days is established for sending outgoing mail to the USPS. This change is necessary to provide the department with flexibility regarding the delivery of outgoing mail when the mailroom is non-operational (e.g., holidays and weekends). **The phrase “as soon as possible, but not later than” was added and the word “within” was deleted. This is necessary for consistency with the language regarding delivery of items throughout this subsection. This ensures that the outgoing mail will be delivered to the United States Postal Service as soon as possible but not later than five business days.**

Subsection 3133(b)(3) is amended to remove the word “will” and replace with “shall”. This is a non-substantive change because will and shall mean the same thing. The use of “shall” more clearly conveys that all incoming packages and non-confidential mail addressed to an incarcerated person shall be opened and inspected prior to delivery, and remains consistent with the verbiage utilized throughout this Article. Language is added to the second sentence to clarify that receipt of funds enclosed for deposit to an incarcerated person’s trust account must be documented. “Will be” is removed and replaced with “is” to clearly explain the purpose of inspection. The words “document” and “of” are added to be clear the department shall document the receipt of any funds enclosed for deposit into the incarcerated person’s trust account. The word “read” is replaced with “reviewed” to better capture the process for inspecting non-confidential mail. All mail is subject to review as needed to document funds for deposit, to verify and record personal property, and for contraband interdiction. **Additionally, the phrase “as**

defined within section 3147” is added. This change provides clarity by noting a reference to the specific subsection where packages are defined within these regulations.

New subsection 3133(b)(3)(A) is adopted to provide clear direction regarding the process of withholding mail for safety and security purposes beyond the timeframes currently outlined within section 3133. This is necessary because an item may be delayed for additional review if the item could pose a threat to the institution or the safety of persons. The CDCR Form 1819 (~~Rev. (02/23)(02/24)~~ **(08/24)**) is introduced within this subsection and identified as the official document for providing notification to the incarcerated person of any item that is delayed in the delivery process as a result of presenting a threat to the security of the institution or safety of persons. The CDCR Form 1819, shall also be used if the mail is denied for other reasons, such as a violation of section 3006. **A new revision date was added to the CDCR Form 1819, due to revisions to the form.**

New subsection 3133(b)(3)(B) is adopted to establish the process for tracking disapproved mail. This is necessary, as it establishes documentation of the disapproval process, and gives incarcerated persons an avenue to respond regarding staff’s decision to withhold the mail item.

New subsection 3133(b)(3)(C) is adopted to establish a requirement for institutions to implement a process for tracking items that are delayed in being delivered to the incarcerated person within the established timeframes when they are investigated for safety and security purposes or disapproved for other reasons.

Subsection 3133(b)(4) is repealed to eliminate redundancy, as language specifying from whom incarcerated persons may receive books is outlined in subsections 3133(a)(4)(B) and (C) of these regulations.

Subsection 3133(c) is amended to replace the word “should” with “may”. This is a non-substantive change, since should and may mean the same thing. The phrase “, which is incorporated by reference” is added to the text. However, this form was carried over from previous regulations.

Subsection 3133(d) is amended to retitle the subsection “Returned Mail” to better encompass all types of mail and packages returned to the institution by the USPS. The word “letter” is replaced with “mail”, to expand the meaning of the sentence to include all types of correspondence that is to be considered mail. The word “facility” is removed and replaced with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The phrase “post office” is replaced with “United States Postal Service” for clarity and consistency. Language is removed from this subsection that specifies regular mail and confidential correspondence is subject to inspection. This language is unnecessary, as all returned mail is subject to inspection. The word “envelope” is replaced with “mail”, as this term is more encompassing of the item, and is consistent with the general use of the word mail throughout this Article. The word “correspondence” is replaced with “mail” to remain consistent with the verbiage utilized throughout this Article. The words “and read” are removed because staff shall not read confidential mail without cause. This change is necessary to provide clear directions to staff to ensure the incarcerated persons’ right to privacy regarding confidential mail. The word

“not” is added to ensure the returned confidential mail has not been tampered with. The phrase “completion of this examination” is replaced with “such confirmation” because the previous sentence addresses the examination of returned confidential mail. “May be” is added to the last sentence, as the inspecting correctional employee is permitted to utilize discretion when considering whether to pursue disciplinary action based on the totality of circumstances presented.

Subsection 3133(e) is amended to remove the title “Unmailed Correspondence” because the term is vague. This subsection focuses on the timeframes for processing outgoing First-Class Mail to the USPS. “From an incarcerated person” is added to clarify that unmailed correspondence pertains to items that an incarcerated person wishes to send via the USPS. “Properly mailed” is replaced with “provided to the United States Postal Service within five business days of receipt from the incarcerated person.” This is necessary to establish the department’s obligation to mail out the item in a timely manner, or to notify the incarcerated person via the CDCR Form 1819 (Rev. ~~(02/23)(02/24)(08/24)~~) of the refusal to accept the mail. “The department” is added to clarify this process concerning CDCR’s refusal to accept or promptly mail an item. The phrase “via CDCR Form 1819 (Rev. ~~(02/23)(02/24)(08/24)~~, Notification of Disapproval For Mail/Packages/Publications” is added to identify the method in which this refusal shall be documented, establishing a formal tracking process for such items. The sentence requiring notice is removed, because the process is outlined within this subsection. **A new revision date was added to the CDCR Form 1819, due to revisions to the form.**

Subsection 3133(f) is repealed and replaced with “Forwarding First-Class Mail and Periodicals,” as the title of this subsection. This subsection establishes the process of forwarding mail, when the incarcerated person or supervised person is no longer housed at the location where the mail is received. A weekly timeframe is established for the forwarding of mail. This requirement ensures mail is not excessively delayed, while implementing a process for the institution to forward mail in batches as opposed to mailing items individually. Additionally, this subsection establishes a process for forwarding mail to individuals no longer under the jurisdiction of the department. **The phrase “as soon as possible, but no later than” is added. This change is necessary to establish that while the institution may forward First-Class Mail and periodicals on a weekly basis, it is expected that these items shall be forwarded as soon as possible. This change is consistent with other amendments throughout this section regarding delivery timeframes for First-Class Mail and periodicals. The text “Except as specified in subsection 3133(h)” is removed and replaced with “(excluding newspapers)” throughout this subsection. This change is necessary to clarify that while a newspaper is classified as a periodical, the institution shall follow a separate process for forwarding newspapers as outlined in section 3133(h).**

Subsection 3133(g) is repealed and replaced with “Disposition of “Marketing Mail” as the title of this subsection. This subsection establishes a process detailing the disposition of marketing mail. This ensures that marketing mail is ~~either~~ disposed of unless it includes an ancillary service endorsement. In which case it may be forwarded in the same manner as First-Class Mail and periodicals. For clarity, the text “either” is removed as it was included in error.

Subsection 3133(h) is renumbered to subsection 3133(j).

New subsection 3133(h) is adopted to establish the process for the disposition of newspapers when the incarcerated person or supervised person is no longer housed at the location where the newspaper is received. This change provides clarification to staff regarding the process of retaining newspapers when an incarcerated person is temporarily away from the institution.

Although this is new text, it is notable that similar language regarding not forwarding daily newspapers to incarcerated persons who are temporarily away from the institution for longer than 72 hours existed in subsection 3133(f). This text was deleted from 3133(f) and similar language is added to 3133(h). The new text reads, "If an incarcerated person is temporarily away from the institution at the time a newspaper is processed, the newspaper shall be held and delivered upon the incarcerated person's return to the institution. Notwithstanding the forgoing, after one week of continuous absence, any undelivered newspapers held, processed, or received during the incarcerated person's absence shall be discarded." This change clarifies that newspapers do not need to be forwarded to an incarcerated person who is away from an institution, and that newspapers will not be held after the incarcerated person is away from the institution for longer than a week. This change is necessary to distinguish between the handling of newspapers and other types of mail when an incarcerated person is temporarily away or no longer housed at an institution. Newspapers are handled differently than other types of mail because newspapers, especially those delivered multiple times a week, can take up a lot of physical space in the institution to store for an incarcerated person who is temporarily away from an institution, or can cost the state considerable mail costs to forward to an incarcerated person who is not located at the institution. Exceptions to the holding of newspapers are provided in this subsection to identify situations when an incarcerated person may be away from the institution for a period longer than one week to participate in institution-approved activities or due to hospitalization. These exceptions are the same exceptions that were included in the previous language at 3133(f), which was moved to this subsection. Additionally, when the text was moved from 3133(f), the department modified to extend the holding period from 72 hours to one week. This one-week timeframe is consistent with the timeframe for forwarding First-Class mail as described in section 3133(f). Making the same timeframe for staff to hold newspapers and for staff to forward non-confidential mail and other periodicals enables easier tracking by mailroom staff and provides the incarcerated person a longer period of time to be temporarily away from the institution before newspapers are disposed of. The text "If the incarcerated person is no longer housed at the location where the newspaper is received," was added to provide clarity to the sentence by distinguishing between an incarcerated person who is temporarily away from the institution and an incarcerated person who is no longer housed at the institution. Additionally, non-substantive changes were made to the sentence due to the addition of the text for clarity.

New subsection 3133(i) is adopted to establish the process for forwarding Confidential Mail. This change is necessary to establish a timeframe of one business day for forwarding confidential mail when the incarcerated person is no longer housed at the location where the mail is received. This requirement ensures the expedient forwarding of confidential mail, which can include time-sensitive documents.

Subsection 3133(j) is amended to read to add the phrase “With the exception of Confidential Mail.” The text “and Daily Newspapers” is added to the previous phrase to clarify that the holding of mail as described within this subsection does not apply to the process for holding daily newspapers as described in subsection 3133(h). This language is added to explain that all other types of mail may be held when an incarcerated person is temporarily away from the institution, because Confidential Mail shall be forwarded as soon as possible. The word “facility” is replaced with “institution” throughout this subsection for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. **“when the incarcerated person’s return is anticipated within” is removed and replaced with “for.” “(seven calendar days) or less” is added. The changes are necessary to simplify that mail shall be held for seven calendar days when an incarcerated person is temporarily away from the institution and avoid potential confusion of staff trying to “anticipate” when an incarcerated person would return to the institution.** “When the incarcerated person’s absence lasts longer than a week, staff shall process the mail in accordance with subsections 3133 (f) through (h).” This change is necessary to provide staff with a directive regarding the forwarding of mail when an incarcerated person is temporarily absent from the institution for longer than a week. Additional verbiage is included to establish procedures for the forwarding of Confidential Mail in accordance with subsection 3133(i), when an incarcerated person is temporarily absent from the institution longer than one week.

Section 3133 NOTE: is amended to add the proper reference citing, by adding *Prison Legal News v. Schwarzenegger* Settlement Agreement, No. Civ-07-02058 CW.

Subsection 3134(a) is amended to remove the phrase “can have the following items enclosed, including but not limited to,” and replace with “is limited to the following items, and subject to an incarcerated person’s authorized property under section 3190.” This change provides an exhaustive list of items which are allowed in First-Class Mail rather than a list that was open to interpretation. This is necessary to promote standardization throughout the department. Section 3190 is referenced to provide the parameters for First-Class Mail as authorized incarcerated person personal property.

Subsections 3134(a)(1) is renumbered to 3134(a)(2) and is unchanged.

New subsection 3134(a)(1) is adopted to add the text “written, typed, or printed communications on paper, addressed to a person or organization.” This is necessary, to establish that these items are authorized within First-Class Mail.

Subsection 3134(a)(2) is renumbered to subsection 3134(a)(3) and is unchanged.

Subsection 3134(a)(3) is unchanged.

Subsection 3134(a)(4) is renumbered to subsection 3134(a)(5) and is unchanged.

Subsection 3134(a)(4) is amended to add the phrase “written and” to be inclusive of all types of greeting cards. This change is necessary to provide clarity regarding the types of greeting cards that are authorized within First-Class Mail. The number “3” is replaced with the word “three” which is a non-substantive change.

Subsection 3134(a)(6) is adopted to add the text “Business reply and metered envelopes”. These items were not listed but are allowable and defined in subsection 3134(c). It is necessary to include these items which are allowed in First-Class Mail and are now a part of an exhaustive list.

Subsection 3134(a)(7) was previously numbered 3134(a)(5) and remains unchanged.

Subsection 3134(a)(8) was previously numbered 3134(a)(6) and amended to remove the “/” and replace it with the word “or” as a non-substantive grammatical change.

Subsection 3134(a)(9) was previously numbered 3134(a)(7) and is unchanged.

Subsection 3134(a)(10) was previously numbered 3134(a)(8) and is unchanged.

Subsection 3134(a)(11) was previously numbered 3134(a)(9) and amended to remove the word “children’s” as drawings in general, are allowed if they do not violate sections 3006 and 3135.

New Subsection 3134(a)(12) is adopted to add “cardstock and drawing paper (white only)”, which was previously not listed, but is an allowable item in accordance with section 3190. It is necessary to include these items, which are allowed in First-Class Mail and are now part of an exhaustive list.

Subsection 3134(a)(13) was previously numbered 3134(a)(10) and amended for punctuation and grammar. These changes are non-substantive and do not change the meaning of the text. “Messages” is added to electronic mail to clarify what is considered digital communication and allowable as First-Class Mail. Text regarding the inspection of First-Class Mail is removed from this section and addressed in subsection 3133(b)(3).

Subsection 3134(a)(14) was previously numbered 3134(a)(11) is repealed and replaced with text that places a maximum limit of 40 postage stamps. This is necessary to align with the property limits established within section 3190. Language was added to allow incarcerated persons to receive additional stamps to compensate for the difference when the postal rates change. Additionally, the use of personalized postage stamps is prohibited. This is necessary to ensure incarcerated persons do not receive personalized stamps that may otherwise violate sections 3006 and 3135.

Subsection 3134(b) is amended to add “Business Reply and” to this subsection, as Business Reply and Metered Envelopes are both acceptable to be included in First-Class Mail. The word “correspondence” is replaced with “mail” to be consistent with the verbiage utilized throughout this Article. There are non-substantive changes to words from lowercase lettering to uppercase and the word “in” was removed for proper grammar.

Subsections 3134(b)(1) through (b)(4) remain unchanged.

Subsections 3134(c) through 3134(c)(5) are repealed and reintroduced in subsection 3190(h) and section 3147 of these regulations. This change is necessary to better reflect that packages are categorized and processed separately from First-Class Mail.

Subsection 3134(c) is renumbered from 3134(d) and amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are

synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The word “the” was added as a non-substantive grammatical correction. The word “disapproved” is added to change the process regarding lottery tickets, lottery scratchers or other contest materials. This change is necessary to align with subsection 3191(c) which provides the process for the disposition of property. Text was removed to support this change. The reference to the CDCR Form 1819 was added to identify the document and method in which incarcerated persons are notified of disapproved mail. In utilizing the form, an incarcerated person may choose the disposition of the item in question in accordance with subsection 3191(c) of the regulations. **A new revision date was added to the CDCR Form 1819, due to revisions to the form.**

Subsection 3134(d) is renumbered from 3134(e) and amended to remove the word “it” and replace it with the word “and”, to combine the two short₂ related sentences regarding maintaining property of personal manuscripts with the exceptions noted in sections 3006 and 3135. This change provides clarity in detailing when a manuscript may be confiscated. This subsection is also amended to replace the word “regular mail” with “First Class Mail” to be consistent with the terminology used throughout this Article.

Subsection 3134(e) is renumbered from 3134(f) and amended to add the text, “with the exception of staff, contractors, service providers, and other persons as identified in section 3139, there is no requirement that an incarcerated person and the persons with whom they correspond receive pre-approval to correspond”. This language is necessary to clarify that anyone who is not under the jurisdiction of the department or other law enforcement or corrections agency, or working for the department, or providing contracted or other services for the department, can freely correspond with an incarcerated person without receiving prior departmental approval.

Subsection 3134.1(a) is amended to replace the word “items” with “publications” to better reflect the context of this subsection. The word “in” is removed which is a non-substantive change, and does not change the meaning of the sentence. The words “newspapers” and “magazines” are removed, as the existing term periodicals encompasses both of the removed words. The word “or” is replaced with “and” to clarify that incarcerated persons may purchase or subscribe to more than one type of publication. The phrase “except as otherwise authorized by the department” was added to provide CDCR with the authority to allow incarcerated persons to receive publications from other entities outside of what is already established within this subsection. The phrase “subscriptions or books are purchased for the” was replaced with “publications mailed to an”, to provide clarity regarding where an incarcerated person shall receive a publication from. The phrase “by a third party or donated to an incarcerated person, they must” is removed and replaced with “shall”, and the phrase “department-approved vendor” is added to clarify who can mail books directly to an incarcerated person. The word “or” next to publisher is removed as it is not grammatically correct given the listing of additional entities who are authorized to mail books directly to incarcerated persons. The phrase “religious organization” is added to the list of who may send publications. The phrase “or department approved vendor” is added to recognize that departmentally approved incarcerated person package vendors are authorized to sell and ship publications. Language regarding subscriptions and books purchased by a third party or through donation is removed, because subscriptions are addressed previously in this subsection. The

word “cannot” is replaced with “shall not” because this phrase is used to indicate that something is prohibited by law or rule. “books, periodicals, or other” is removed, as this is a subset of publications, which is already listed within this subsection. The phrase “and state they are a donation” is removed, as the department has a process in place for accepting donations, and does not need to be included here. The sentence “there shall be no “Approved Vendor Lists” for any publications” is removed, for clarity, as this language is redundant, and stated in section 3133.

Subsection 3134.1(b) is amended to remove the words “magazines and newspapers” and replace them with “periodicals”, because periodicals are inclusive of both types of publications. The phrase “periodicals e.g.,” is added to provide examples of periodicals. The phrase “items enclosed or” is added to clarify that any items that are enclosed or attached shall be removed prior to issuance. The words “to the periodical” are added to provide context regarding items enclosed or attached. The word “including” is added for sentence structure, and is followed by a list of attachments that shall be removed prior to issuance. The words “contained in magazines” is removed because this is addressed previously in this section. The word “and” is added for grammar. The words “of such” are removed and replaced with the phrase “of such removal”. This change provides clarity and improves the sentence structure. The words “magazine or other publication” are replaced with “periodical”, as this term describes both of the removed words, and provides consistency throughout this section. Non-substantive changes were made to support sentence structure.

Subsection 3134.1(c) is amended to replace the word “paperback” with “soft-back” to be inclusive of soft book covers that may be constructed of products other than paper. This change is necessary to be inclusive of the different types of non-hard back covers allowed. Non-substantive changes were made to correct spelling and grammar.

Subsection 3134.1(d) is amended to capitalize the word “Publisher” as it is utilized in the context of a title to this subsection. The word “Temporary” has been added to the title because the institution’s decision to disapprove a publication is temporary and subject to departmental review. The word “an” is added as the item description is changed from plural to singular. The phrase “books, magazines, or” is removed because publication is inclusive of these terms. The words “are withheld or disallowed on a temporary basis by the institution pending approval from DAI, and a letter shall be sent by the institution to the publisher explaining why the item was denied. A book, magazine, or publication denied to an incarcerated person(s) based on a violation of” was removed, and clarified in subsection 3134(d)(1). Language is added to explain that notification shall be provided to the publisher when the publication is temporarily disapproved. Language is added to explain that DAI shall determine whether to make the temporary disapproval permanent. These changes are necessary to clearly define the process for disapproving publications permanently. Additionally, language is added to clarify that publications will not be solely disapproved because they contain advertisements for materials that may potentially be considered contraband or obscene, unless the advertisement or content itself within the publication violates policy. This language is necessary, as the content itself is subject to the tests provided in the definition, not the materials being advertised. **Additionally, the incorrect reference “3134.1(e)” is deleted and replaced with “3134.1(f)”. This change is necessary to provide the correct reference to the Centralized List of Disapproved Publications as established within these regulations. The text “the incarcerated person and” is added to provide clarity regarding written notification of a temporarily disapproved publication. This**

change is necessary to ensure the temporary disapproval notification is provided to the incarcerated person and the publisher.

Subsection 3134.1(d)(1) is amended to include “Notification to the Publisher” as the title of this subsection. The word “must” is replaced with “shall”. This is a non-substantive change because must and shall mean the same thing, and this change provides consistency throughout the text. “Book, magazine or” is removed, and replaced with word “publication” which encompasses both of the removed words. The word “denied” is removed and replaced with “temporarily disapproved”, to correctly identify permanent disapproval of publications is determined upon departmental review. The verbiage “the names and CDCR number for all incarcerated persons” is removed and replaced with current language within this subsection for consistency. Language is removed regarding the publisher's right to appeal and moved to subsection 3134.1(e). This is necessary because an item pending review cannot be challenged until a final decision is rendered. “institution’s receipt of the” was added to the text to establish that the 15 calendar days for notifying the publisher begins when the institution receives the publication. Language was removed regarding the supporting documents and retention requirements and relocated to subsection 3134.1(f)(3). Language is added to provide direction that whenever an incarcerated person is denied a publication the publisher shall be notified. Language is added to clarify that even when a publication denial is unrelated to the content of the publication the publisher is required to be notified, such as property limitations or if the package that contained the publication also contained other items that violate existing policy. Clarifying language is added to only require a single notification to the publisher when an institution is temporarily disapproving a publication when multiple copies are addressed to other incarcerated person recipients. This eliminates redundant notices being generated and distributed to the publisher.

Subsection 3134.1(d)(2) is amended to add the words “Notification to the Incarcerated person” as the title of this subsection. The words “withheld or disallowed” are replaced with “temporarily disapproved” to clarify that an incarcerated person shall be notified even when a publication is pending departmental review.

The word “also” is removed to enhance sentence structure, which provides clarity. The CDCR Form 1819 ~~(02/23)~~ **(02/24)** has been updated and reflected in the text. **A new revision date was added to the CDCR Form 1819, due to revisions to the form.** The word “disposition” is removed and replaced with the words “for the temporary disapproval”. This is necessary because this subsection outlines the process for an initial notification to the incarcerated person when a publication is pending departmental review. The disposition of the publication is decided by the incarcerated person and may only be determined upon receipt of a final decision from DAI. The word “disallowing” is replaced with “temporarily disapproving” to be consistent with the changes already made in the subsection.

Language is added to establish a timeline of 15 days for notification to the incarcerated person of temporarily disapproved publications. This is necessary to align with the timeframes established for the delivery of publications to the incarcerated person, as well as the notification to the Division of Adult Institutions and the publisher.

Subsection 3134.1(d)(3) is amended to include “Notification to the Division of Adult Institutions (DAI)” as the title of this subsection. This subsection is rewritten to better clarify that DAI shall determine whether to permanently disapprove a publication submitted by an institution. Language is added to establish a timeline of 15 days for the institution to submit a publication for DAI review. This is necessary to align with the timeframes established for the delivery of publications to the incarcerated person, as well as the notification to the DAI and the publisher. Additional language is added to specify that DAI shall determine whether to add a publication to the statewide Centralized List of Disapproved Publications as outlined in subsection 3134.1(e). Language was removed and addressed in subsection 3134.1(f)(1).

New subsection 3134.1(e) is adopted to detail the process of the DAI notifying the publisher of a final decision. This is necessary to provide a follow-up notification of a final decision for a publication that was temporarily disapproved and under review by DAI. The incarcerated person shall receive notification of the outcome within 15 calendar days of the institution receiving a final decision from DAI. This information is necessary to establish standardized notification timeframes, and in alliance with the 2007 PLN Settlement Agreement. **A new revision date was added to the CDCR Form 1819, due to revisions to the form.**

Subsection 3134.1(f) is renumbered from 3134.1(e) and amended to replace a capital “O” with a lowercase “o” as a non-substantive change. The words “Division of Adult Institutions” with the acronym “DAI” because it has been identified in previous sections. The word “distribute” is replaced with “maintain and make available” because the Centralized List of Disapproved Publication is readily available to all departmental employees with access to the internal network. The DAI updates the Centralized List of Disapproved Publications on a monthly basis for staff. The examples of disapproved publications were removed and replaced with the words “as defined in section 3006” to reference all materials deemed as contraband. This change provides clarity by directing staff and incarcerated persons to look at the entirety of section 3006 for examples instead of listing specific examples. The verbiage “that would be included” is removed for clarity and sentence structure. The word “frontal” is removed as the definition of nudity is updated in subsection 3006(c)(16)(A). The words “images” and “pictures” are added in the context of Security Threat Group related materials, to be consistent with subsections 3378.2(b) of this Article. The sentence “Publications that are enumerated on the Centralized List are not allowed in any institution” is removed, because it is not necessary to state that contraband is not allowed. The word “local” is removed because the regulations apply to all institutions. The word “may” is replaced with “shall” to provide clarity. The use of shall more clearly conveys who shall not permanently disapprove publications. The words “permanently disapprove publications or” are added to spell out that institutions can only temporarily disapprove publications, pending a decision by DAI. “Centralized List of Disapproved Publications” is spelled out to clarify that the list applies to publications. The words “Division of Adult Institutions” **are is** replaced with “DAI” for consistency. “Excluded” is replaced with “added to the Centralized List of Disapproved Publications” for clarity to ensure publishers are informed their publication is no longer allowed to be distributed to incarcerated persons. The word “must” is replaced with “shall”. This is a non-substantive change because must and shall mean the same thing, and this change provides consistency throughout the text. “Is excluded” is replaced with “was added” for consistency with changes in this section previously addressed. “Complain” is replaced with “challenge the decision”

to clarify that a publisher may appeal the DAI's decision to disapprove their publication. The word "must" is replaced with "shall". This is a non-substantive change because must and shall mean the same thing, and this change provides consistency throughout the text. Language is added to explain that DAI shall send a notification to the publisher of their decision to disapprove a publication and add to the Centralized List of Disapproved Publications. Language regarding record retention is removed as this requirement is spelled out in new subsection 3134.1(f)(3). Non-substantive changes were made to grammar and capitalization throughout this subsection to provide clarity to the text.

New subsection 3134.1(f)(1) is adopted to clarify that specific issues of a periodical may be added to the Centralized List of Disapproved Publications however, the entire publication may only be permanently disapproved if all issues within 12 consecutive months violate departmental regulations. *This language was previously included within subsection 3134.1(d)(3) and re-introduced with modifications here. This change is necessary to clarify that publications such as periodicals that do not routinely publish content that violates section 3006 of these regulations, shall not be permanently disapproved from delivery to the incarcerated population. Only those periodicals which consistently violate policy (e.g., pornography) shall be permanently disapproved and placed on the Centralized List of Disapproved Publications.*

New subsection 3134.1(f)(2) is adopted to clarify that if a publication sent to an incarcerated person is already on the Centralized List of Disapproved Publications, the institution shall notify the incarcerated person via CDCR Form 1819 within 15 calendar days but does not need to notify the publisher. This is necessary to eliminate redundancies in the review and notification process when a publication is already permanently disapproved. *A new revision date was added to the CDCR Form 1819, due to revisions to the form.*

New subsection 3134.1(f)(3) is adopted to clarify that the department shall retain copies of all notifications and supporting documents for a minimum of seven years, related to the process of disapproving publications. *The word "department" is removed and replaced with "institutions". This change is necessary to specify where the documents cited within this subsection shall be maintained (by the institution) so they can be referenced to respond to inquiries, grievances, appeals, or audits, as required. This language was previously located in subsection 3134.1(f). "copies of" is added to this sentence to clarify that an institution shall not be required to retain the entire publication for seven years, but only copies of the documents used to support the decision to disapprove the item.*

New subsections 3134.1(f)(3)(A) through (f)(3)(C) are adopted to provide a list of documents that shall be archived for a minimum of seven years. This is necessary to ensure that these documents are not prematurely destroyed. *The text "Disapproved" is added to (f)(3)(C) to correctly reference the "Centralized List of Disapproved Publications."*

New subsection 3134.1(g) is adopted to clarify the disapproval of any publication, whether shipped via publications-only package, vendor package or special purchase package, shall be processed in accordance with this section. *The phrase "whether shipped via publications-only package, vendor package, or special purchase package" is removed and replaced with "regardless of how it is sent to an incarcerated person." This change is necessary to*

clearly state that the disapproval of any publication shall be processed in accordance with this section. This language provides clarity to explain that regardless of how the publication is received, it shall be processed as outlined in section 3134.1.

Section 3134 NOTE: is amended to add the proper reference citing, by adding *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW.

Section 3135 is amended to remove the word “Correspondence” and replace with “Mail” to remain consistent with the language utilized throughout this Article.

Subsection 3135(a) is amended to replace the word “may” with “shall” to identify that, if mail is determined to present a danger or a threat of danger, it must be disapproved. **This change is necessary to protect the safety and security of the institution, incarcerated population and its employees.** The word “disallowed” is replaced with “disapproved” throughout this subsection, to provide consistency with the verbiage utilized throughout this Article. The phrase “text of such correspondence” is replaced with “contents” because the contents of the mail may not be limited to text. The word “custody” is added to identify that individuals who have the authority to disapprove mail shall be correctional peace officers at the level of Captain or above. The words “Correctional/ Institutional” are removed, as this language is no longer current.

Subsection 3135(b) is amended to replace the word “will” with “shall” as a non-substantive change because will and shall mean the same thing. The word “disallow” is removed and replaced with “disapprove” to be consistent with the language used throughout this Article. The word “correctional” is removed, to reflect that the screening of incarcerated person mail is not limited to correctional peace officers.

Subsection 3135(c) is amended to replace the word “correspondence” with “mail” to be consistent with the language used throughout this Article. ~~The text “electronic communications” was added to be inclusive of recently approved mediums of correspondence (e.g., tablets, or kiosks). This is necessary to include new technology formats into departmental regulations, and to be clear these new forms of media are subject to being rejected should they violate this Article. The text phrase “and electronic communications” is deleted. This deletion is necessary to provide consistency throughout the text since this section addresses mail. The department has determined that the review process of electronic communication is subject to separate due process provisions and removed all references to electronic communication in this regulatory package as it will be addressed in a separate rulemaking package.~~ The word “is” is replaced with “shall be” to provide clear directives as to what must be disapproved. The word “disallow” is removed and replaced with “disapprove” to be consistent with the language used throughout this Article. This subsection was also amended to remove “/facility” from “institution” for clarity and consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution.

~~**Subsection 3135(c)(1) is amended to add the text “or electronic communications”. This is necessary to include new technology formats into departmental regulations, and to be clear these new forms of media are subject to being rejected should they violate this Article. “Electronic communication” is deleted reverting back to the original text. The department has determined that the review process of electronic media is subject to**~~

separate due process provisions and removed all references to electronic communication in this regulatory package as it will be addressed in a separate rulemaking package.

Subsections 3135(c)(2) through (c)(4) remain unchanged.

Subsection 3135(c)(5) is amended to remove “/facility” from “institution” for clarity and consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution.

Subsections 3135(c)(6) through (c)(8) remain unchanged.

Subsection 3135(c)(9) is amended to remove “and/” from “or”. This is a non-substantive change because “and/or” means the same thing as “or”.

Subsection 3135(c)(10) is amended to remove the “ten” and replace with the number “10” and replace “a” with “an” as non-substantive grammatical changes. The word “/facility” is removed and replaced with “institution” for clarity and consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution.

Subsection 3135(c)(11) is unchanged.

Subsection 3135(c)(12) is amended to provide a reference to “obscene text” as opposed to “material obscene in nature”, as defined in subsection 3006(c)(15). This change reflects the restructuring of subsections 3006(c)(15) and (c)(16), which separates the definition of obscene text and sexually explicit images, and provides clarity for staff and incarcerated persons.

Subsection 3135(c)(13) is repealed.

New Subsection 3135(c)(13) is adopted to include sexually explicit images on the list of items that will be disapproved, as defined in subsection 3006(c)(16). This change reflects the restructuring of subsections 3006(c)(15) and (c)(16), which separates the definition of obscene text and sexually explicit images, and provides clarity for staff and incarcerated persons.

New Subsection 3135(c)(14) is adopted to ensure the list of disapproved mail items includes any unknown substances that may be discovered in the process of inspecting mail. Staff may be unable to determine the nature of the substance upon initial inspection but are authorized to submit such mail items for consideration of disapproval.

Subsection 3135(c)(14) is renumbered to 3135(c)(15) and amended to add “, images”, to remove “or”, and to add “or pictures” to this sentence referencing Security Threat Group-related materials. These changes are necessary to adopt the phrase “images, photographs, or pictures” in reference to STG-related materials identified in subsection 3378.2(b). The numbers (5)-(6) are removed, because they are already incorporated in subsection 3378.2(b). ~~The reference to~~ Additionally, the phrase “images, photographs, or pictures” is used consistently throughout this Article to describe all possible image formats. Additionally, the “s” was removed from subsections as a non-substantive grammatical change because it no longer applies.

Subsections 3135(d) through (d)(7) are repealed in their entirety to reduce redundancy as the definitions for obscene and sexually explicit material are already defined in subsections 3006(c)(15) and (c)(16) of these regulations.

Subsection 3135(e) is renumbered to 3135(d), and amended to add “- “ between the words “non” and “confidential” to correct grammar. “Will” is replaced with “shall” as a non-substantive change, because will and shall mean the same thing. The word “disallowing” is replaced with “disapproving” throughout this subsection, to provide consistency with the verbiage utilized throughout this Article. The word “correspondence” is replaced with “mail” to be consistent with the verbiage utilized throughout this Article. Language is added to replace the reference to an incarcerated person’s “C-File”, as all incarcerated person records are now retained in the Strategic Offender Management System.

Subsection 3136(a) is amended to remove the word “Disapproval”, and to add the words “incoming and outgoing” throughout this section. This change is necessary to clarify that the disapproval of mail applies to both incoming and outgoing mail. The phrase “to include electronic mail and messages exchanged using electronic devices such as a tablet, kiosk, or laptop, that is in clear violation of” is added to include new technology formats into departmental regulations, and to be clear these new forms of media are subject to being rejected should they violate this Article. The reference to “CCR” is removed throughout this subsection since the sections are specifically cited. Section 3134 was added to provide clarity regarding items incarcerated persons may receive in the mail. This change is necessary because any items outside of this list may be disapproved. The word “correctional” is replaced with “custody” because that is no longer current. Language is added to clarify that mail which may be in violation shall be referred to the Warden or designee. These changes are necessary to identify that incoming and outgoing incarcerated person mail that may be in violation of sections 3006, or 3135 is to be referred to the Warden or their designee at the correctional peace officer classification of Captain or above. This provides a mechanism for mail that is not clearly in violation of sections 3006, or 3135 to be elevated for review. Removing “not lower than the Chief Deputy Warden” allows the Warden to choose the individual who is responsible for reviewing these mail items. In the third sentence, “packages, or publications addressed to or being sent by an incarcerated person are withheld or disallowed” is removed and “is disapproved” is added, as packages, publications, and mail are processed differently and are addressed in different sections within this Article. Additionally, the name and version of the CDCR Form 1819 is updated. Language is added to identify the information staff is required to provide on the 1819 form, to include the reason for disapproval, the applicable sections the mail violates, the name of the official disapproving the item, and to whom a grievance may be directed. ~~Additionally, language is included that disapproved electronic messages do not require the completion of a CDCR Form 1819. This is necessary as electronic messages are provided, managed, and reviewed separately from other categories of mail, and are provided as contracted services which are outside of the purview of the mailroom staff.~~ **The phrase “, to include electronic mail and messages exchanged using electronic devices such as a tablet, kiosk or laptop,” is deleted. This deletion is necessary to provide consistency throughout the text since this section addresses the disapproval of mail. The department has determined that the review process of electronic media is subject to separate due process provisions and removed all references to electronic media in this regulatory package as it will be addressed in a separate rulemaking package. The revision date for the CDCR Form 1819 was updated, due to revisions in the form. The phrase “Disapproved electronic mail does not require the completion of a CDCR Form 1819” was removed. This change was**

necessary since the department determined there are separate disapproval processes for electronic communication, which will be addressed in new regulations.

Subsection 3136(b) is unchanged.

Section 3136 NOTE: is amended to delete (d) and replace with (c) for proper reference citing to Penal Code section 2601.

Section 3137 is amended to change the title of this section to “Grievances and Appeals Relating to Mail and Publications”, which formerly read “Appeals and Complaints Relating to Mail and Correspondences. This is necessary to reflect updates to administrative remedies procedures provided in section 3481. The word “correspondence” is removed because mail encompasses all forms of correspondence. The word “publications” was added to better reflect that publishers are granted the right to challenge a departmental decision as detailed within this section.

Subsection 3137(a) is amended to replace the word “correspondence” with “publications” to be consistent with the verbiage utilized throughout this Article and stated in this section.

Subsection 3137(b) is amended to replace “3480” with “3481” to reflect the current section referencing the established administrative remedies procedures. **The text “to grieve or appeal the department’s decision” is added to provide clarity to this subsection. The established administrative remedies procedure includes grievances and appeals as described within the regulations.** A new sentence was added to clarify that an incarcerated person who wishes to pursue the grievance or appeals process for a disapproved item must provide notification to staff through the use of the CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~~~(08/24)~~), and that failure to do so may result in an item in question being disposed of in accordance with subsection 3191(c). **The text “on the form” is added to clarify that incarcerated persons shall respond to the CDCR Form 1819 by selecting a disposition option on the form itself. The word “failure” is removed and replaced with “fails to complete and return the CDCR Form 1819 within 60 calendar days of receipt of the department’s final decision, as documented on the CDCR Form 1819, the mailroom shall confirm whether the incarcerated person has filed a grievance and if not, the mailroom”. This is necessary to clarify that an institution must verify that the incarcerated person has not filed a grievance within 60 calendar days before disposing of the item. The text “do so may” is removed and replaced with “complete and return the CDCR Form 1819 within 60 calendar days of receipt of a departmental decision shall”. These changes are necessary to remove any discretion by the mailroom and provide clarity that an item in question shall be disposed of if an incarcerated person fails to respond to the CDCR Form 1819 within 60 calendar days and has not filed a grievance.** “30” was replaced with “60” days in which an incarcerated person has to pursue administrative remedies. This change was made to reflect updates to the administrative remedies’ procedures. “That mail is being designated as undelivered” is replaced with “disapproved mail,” to provide clarity and utilize terminology incorporated throughout these regulations. The word “will” is replaced with “shall”. This is a non-substantive change because will and shall mean the same thing. **A new revision date was added to the CDCR Form 1819, due to revisions to the form. New language is added to the CDCR Form 1819 to provide clarity that items held pending the outcome of the administrative remedies process are not subject to the time frames for**

holding other forms of mail as described within the regulations. A revision date was added to the form due to additional revisions to the form. The text “Items held through the administrative remedies process shall not be subject to the provisions regarding the holding of mail as outlined in section 3133 and the holding of disapproved of the publication as outlined in section 3134.1.” is added to clarify that by separating the provisions for holding an item pending the administrative remedies process, from the provisions of holding mail for incarcerated persons who are temporarily away from the institution and the provisions for holding copies of documents utilized in the disapproval of publications.

Subsection 3137(c) is amended to replace the word “should” with “may” for clarity. Specifically, should imply an obligation, whereas may suggest the option is available if a person wanted to file a complaint. “Working” days are replaced with “business” days to remain consistent with current terminology and to reflect that business days recognize business hours of operation.

Section 3137 NOTE: is amended to add the proper reference citing the correct settlement agreement *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW.

Subsection 3138(a) is amended to add the verbiage “referred to as “indigent envelopes” in an effort to provide clarity to staff that is involved in the process of issuing and receiving such envelopes from incarcerated persons sending outgoing mail. “an” is removed from “another”, and “s” is added to “incarcerated persons” to clarify that indigent incarcerated persons are not allowed to illegally trade indigent supplies with “other incarcerated persons”. Additionally, the number “(5)” is added after to the word five as a quantitative count, and the numeral 1 is replaced with the word “one”. These are non-substantive grammatical changes.

Subsection 3138(b) is amended to remove the phrase “for mail to the courts or to the Attorney General”. This change is necessary because subsection 3138(h) provides an exhaustive list of entities to whom an indigent incarcerated person shall have free and unlimited mail access. “Use indigent envelopes” is added to identify how indigent incarcerated persons mail send mail. “Request to send” is replaced with “to mail” for clarity, as incarcerated persons do not need to request mail; they can send mail using indigent envelopes. “Correspondence that weighs more than one ounce” is replaced with “mail,” to be consistent with the verbiage utilized throughout this Article. The stricken language is clarified in the next sentence, where the process of mail weight is identified. “I” is added to “Correctional Counselor”, as the Correctional Counselor I or the housing unit staff are the correct individuals to process indigent. The verbiage “at a rate of one indigent envelope for each full or partial ounce of the item of mail. If the item to be mailed weighs one ounce or less, the indigent incarcerated person must relinquish one indigent envelope” is added to clarify that a piece of mail can be sent out with the exchange of one indigent envelope for each full or partial ounce. “Must” is replaced with “shall” throughout this subsection. This is a non-substantive change, because must and shall mean the same thing. “This” is replaced with “the” for grammar.

Existing subsection 3138(c) is unchanged.

Subsection 3138(d) is amended to remove the following sentence “a charge shall not be placed against future deposits to the incarcerated person’s trust account to recover the cost of materials

and postage provided, while the incarcerated person was indigent.” This change eliminates redundancy as it is repeated in subsection 3138(h)(3).

Subsection 3138(e) is amended to add the text “be reviewed for authorization” and remove the word “authorized” to clarify that all requests for indigent envelopes shall be reviewed by the Institutional Incarcerated person Trust Account Office prior to authorization. This is necessary to stipulate that not all requests will be ultimately approved after review.

Subsection 3138(f) is amended by replacing “a State issued” with “an indigent” to be consistent in using the word “indigent” throughout this Article. “Intended for” is replaced with “issued to” to better reflect that indigent envelopes are only issued to those who qualify. “Who is indigent shall” is replaced with “may be subject to” to clarify that an incarcerated person may be subject to progressive discipline for attempting to use an indigent envelope issued to another incarcerated person. **The term “may” is removed and replaced with “shall”. This change is necessary to ensure staff adhere to the disciplinary process as described within section 3312 when addressing violations of the mail regulations and remove any discretion for staff to act outside of section 3312. Notably, the disciplinary process in section 3312 includes provisions for progressive discipline. Therefore, this change from “may” to “shall” has no effect on the disciplinary process and how it would be applied to an incarcerated person sending or receiving mail.**

Subsection 3138(g) is amended to include the phrase “Except as provided in subsection 3138(h)” to the first sentence to provide clarification regarding exceptions for indigent incarcerated person mail to eliminate confusion as to whom indigent incarcerated persons can freely send mail to. “desiring to correspond with” is replaced with “sending mail” to be consistent with the verbiage utilized throughout these regulations. “Be required to utilize their weekly allotment of” is replaced with “use”, and “supplies” is replaced with “envelopes”. “Such correspondence” is replaced with “the mail”. All of these changes in the first sentence are designed to provide clarity and consistency, in stating that except for the entities who are listed in subsection 3138(h) indigent incarcerated persons have to use their allotment of indigent envelopes to send mail. There is no limit to the number of times an incarcerated person can send mail to the entities listed in subsection 3138(h). Non-substantive changes were made to grammar.

Subsection 3138(h) is amended to remove, “In addition to indigent writing supplies and postage for the five (5) one (1) ounce letters per week,” as the language is repeated in subsection 3138(a). “Public defender’s office, or the Office of the State Public Defender” is added to this subsection to expand the list of offices with which an indigent incarcerated person shall have free and unlimited mail. This change is necessary to ensure due process is afforded to indigent incarcerated persons, by ensuring they have the ability to correspond with the legal system for active court cases. **The text “a public defender’s office, or the Office of the State Public Defender” is deleted. This deletion is necessary to provide clarity to this subsection. Upon further consideration of public comments, the department has determined that adding free correspondence to public defender’s offices would ignore the fact some incarcerated persons may be represented by private criminal attorneys, appellate counsel, or contract counsel. The addition of the suggested legal entities would be impossible for the staff processing outgoing mail to identify, and therefore cannot be accommodated. The department has determined the existing language of allowing incarcerated persons free correspondence with the court and the Attorney General’s Office is sufficient to meet the**

department's obligation in providing incarcerated persons with access to the courts. An indigent incarcerated person may still use indigent envelopes to send mail to their attorney.

Subsection 3138(h)(1) is amended to remove the word “the” from the first sentence for proper sentence structure. “Documents” is replaced with “pleadings and court forms,” as these items are specifically correlated with court proceedings, and are necessary to define which documents staff are required to provide indigent incarcerated persons photocopy services for. This change is necessary to specify what documents can be photocopied for free to indigent incarcerated persons.

Subsection 3138(h)(2) is amended to replace “documents” with “pleadings and court forms,” as these items are specifically correlated with court proceedings, and is necessary to define which documents staff are required to provide indigent incarcerated persons with photocopy services and postage. The word “will” is replaced with “shall” throughout the text to provide clarity. The use of shall more clearly conveys the requirement of providing indigent incarcerated persons with free photocopies and postage.

Subsection 3138(h)(3) is amended to remove the word “and” and replace with “or”. This change is necessary because this subsection provides a list of items that shall not incur a charge against future deposits to the incarcerated person’s trust account so long as the incarcerated person was indigent at the time copies of the legal pleading and court forms were provided.

Subsection 3138(i) is amended to add “and indigent envelopes”. This is necessary to ensure local procedures are established for issuing indigent envelopes to incarcerated persons.

Section 3139 is amended to change the title from “Correspondence Between Incarcerated persons, Supervised persons, and Probationers to “Mail Between Incarcerated persons, Supervised persons, and Other Persons.” Specifically, the word “correspondence” is replaced with “mail” to be consistent with the verbiage utilized throughout this Article. “Probationers” is replaced with “other persons” to be inclusive of all the potential correspondents with whom an incarcerated person or supervised person may send and receive mail as described within this section.

Subsection 3139(a) is amended to add the word “supervised persons”, as both incarcerated person and supervised persons are required to obtain authorization to send and receive mail within the context of these subsections. “Or their designee” is added to allow the Warden to delegate their authority for approval. The “/” is replaced with “, the” for sentence structure and grammar. “/assigned probation officer” is removed, as an incarcerated person or supervised person would not be assigned a probation officer. “And from the” is added for sentence structure. “And/” is replaced with “or” as a non-substantive change and means the same thing. “State Correctional Systems” is replaced with “county, state, or federal correctional system as applicable” to clarify that incarcerated persons and supervised persons must also obtain written permission from the law enforcement agency that has jurisdiction over the person they wish to communicate with. “Correctional Captain/Institution Captain” is replaced with “Captain” as the former terms are outdated. “Or their equivalent” is added to recognize the appropriate authority level assigned to give permission for the prospective correspondent who is under the jurisdiction of a county, state,

or federal correctional system as applicable. The phrase “Except as otherwise authorized by the department,” is added. This change provides clarity by recognizing that certain correspondence between individuals listed within this subsection may be approved outside of the standard process for personal correspondence. The “I” in the word incarcerated persons is changed to a lowercase “i” for proper sentence structure. The text “and supervised persons” is removed. This change is necessary to provide clarity regarding the process for corresponding with individuals under CDCR’s jurisdiction. Any incarcerated person who wishes to correspond with individuals outlined in this subsection (1) through (4) requires written authorization. Supervised persons are required to obtain authorization to correspond with incarcerated persons as outlined in subsection 3139(c). Additionally, the term “Regional Parole Administrator has been deleted and replaced with Assistant Deputy Director. This is the updated title for this classification.

Subsections 3139(a)(1) through (a)(4) remain unchanged.

Subsection 3139(b) is amended to replace “Parole Agent” with “Parole Agent I”, and to replace “PA” with “PAI”. These changes are necessary to identify the specific staff members who may be contacted for requests. The phrase “Supervised persons may initiate requests by contacting their Parole Agent I (PAI). Incarcerated persons may be allowed to correspond with the persons described in subsections 3139(a)(1) through (a)(4) provided those persons meet the criteria of approval of no known STG affiliation, or involvement with a known terrorist group or racketeering enterprise.” is deleted, as the department restructured section 3139 by incorporating the process by which a supervised person may initiate a correspondence request into subsection 3139(c) and the exclusionary criteria regarding STG affiliation or involvement with a terrorist group or racketeering enterprise into subsection 3139(e). This change provides clarity by separating the process for incarcerated persons initiating correspondence requests from the requirements for supervised persons.

Subsection 3139(c) is renumbered to 3139(e) for proper alphanumeric placement due to new subsection (c).

New subsection 3139(c) is adopted to clarify that, except as otherwise authorized by the department, supervised persons shall obtain written authorization to correspond with CDCR incarcerated persons. This separation of the authorization process for incarcerated persons as outlined in subsections 3139(a)(1) through (a)(4) from the process the department requires for supervised persons to be approved to correspond with incarcerated persons is necessary for clarity as CDCR supervised persons do not require pre-approval to correspond with individuals outside of the jurisdiction of CDCR or other CDCR supervised persons.

New Subsection 3139(d) is adopted to specify that incarcerated persons may be allowed to correspond with persons described in subsections 3139(a)(1) through (a)(4) as long as the individual has no known STG affiliation, or involvement with a known terrorist group or racketeering enterprise. The language “and would not otherwise pose a threat to the safety of the institution or other persons” is added. This change is necessary to establish criteria for when an incarcerated person would be denied permission to correspond with

persons described in subsections 3139(a)(1) through (a)(4). This is necessary to prevent incarcerated persons from engaging in criminal activity through personal correspondence.

Subsection 3139(e)(e) is amended to replace “CC” with “CCI” to identify the specific staff member responsible for reviewing requests. “and/” and “/” is replaced with “or” as a non-substantive change for grammar. “PA” is replaced with “PAI” to identify the specific staff member responsible for reviewing requests. “Their” is replaced with “the” for sentence structure and to flow with the following change. “C-File/Field File” is replaced with “Strategic Offender Management System (SOMS)”, as all incarcerated person records are now retained in the SOMS. “08/87” is replaced with “08/08” to reflect the current version of the Request for Correspondence Approval, CDCR Form 1074. The sentence “if an incarcerated person's request to correspond with another incarcerated person/supervised person is denied, the CCI/PA shall advise the incarcerated person in writing” is removed, as the directive to notify the incarcerated person has been moved and incorporated in subsection 3139(c)(2). An “R” has been added to the title of Form 1074 throughout this subsection to reflect the department’s correct name. **The phrase “or supervised person’s” is added to provide clarity to the sentence, because either an incarcerated person or supervised person may initiate a request to communicate with an incarcerated person under the jurisdiction of CDCR.**

Subsection 3139(e)(e)(1) is amended to replace “the initiating C-file” with “SOMS” as all incarcerated person records are now retained in the SOMS. An “R” has been added to the title of Form 1074 throughout this subsection to reflect the department’s correct name. The statement “or relevant supervising authority, as applicable” was added to provide clarity to staff and individuals under CDCR jurisdiction, regarding who shall be provided a copy of the CDCR Form 1074 (Rev. 08/08).

Subsection 3139(e)(e)(2) is repealed and replaced with text to clarify that approvals and denials of an incarcerated person or supervised person’s request to correspond with any persons listed within this section must be documented on a CDCR Form 1074. Additionally, if the request is denied, the reason for denial must also be included on the form. This provides the incarcerated person or supervised person with written notice of the decision, the reason for the decision, and documentation to challenge the decision through the established administrative remedies procedures if they so choose. The previous language within this subsection stated that the requestor needed to be notified in writing but did not specify the method of notification, nor did it spell out the need to identify the reason for the denial, if applicable. **“or” is deleted and replaced with “and” to identify that approval is needed for mail between an incarcerated person and supervised person. Similarly, “or incarcerated person” and reference to subsection 3139(a)(1) through (a)(4) are added to identify that approval is needed for correspondence between an incarcerated person and a person listed in subsection 3139(a)(1) through (a)(4). These additions are necessary to ensure clarity that a supervised person does not need approval to correspond with anyone other than an incarcerated person under the jurisdiction of CDCR. The language “be based on consideration of the safety and security of the institution or other personal and shall” is added to provide clarity to this sentence. This change is necessary to establish criteria for when an incarcerated person and supervised person would be denied permission to correspond with each other. The**

decision to approve or deny correspondence must be documented on the CDCR Form 1074, and the reason for denial shall be based in consideration of safety and security.

Subsection 3139(c)(e)(3) is repealed and replaced with language that requires copies of the CDCR Form 1074 to be provided to the incarcerated person or supervised person requestor, to the corresponding institutional mailroom or field office, to the supervising authority of the intended correspondent, and retained in the SOMS. This change is necessary because the previous language detailed a process that is no longer in alignment with current practices, as all incarcerated person records are now retained in the SOMS. This process is necessary to ensure all parties involved in the authorization or denial of the request to correspond and the screening of mail are properly notified.

Subsection 3139(c)(e)(4) is amended to remove the words “to correspond” to eliminate redundant language. “Institution/parole office/probation office/other state correction” is removed and replaced with “receiving or field office” to clarify the process when a request to correspond is denied when approval may be granted by the sender but denied by the supervising authority of the person with whom the correspondence is addressed. An “R” has been added to the title of Form 1074 to reflect the department’s correct name. The “/” is replaced with “or” for clarity and grammar. The term “parole office” is replaced with “field office” to reflect current terminology.

Subsection 3139(c)(e)(5) is amended to remove “/photocopies” to provide clarity, as the word is synonymous with copies. The “s” is removed from “institutions” and a non-substantive change for grammar.

Subsection 3139(c)(e)(6) is amended to replace “CDC” with “CDCR” to reflect the current name of the CDCR Form 1074 and department. The “/” is replaced with “or” and the text “2nd” is replaced with “second” as a non-substantive change for grammar. **The phrase “or supervised person” is added to the sentence for clarity, because the incarcerated person or supervised person shall receive the second page of the disapproved CDCR Form 1074 if they were the person initiating the request to communicate with an incarcerated person.**

Subsection 3139(c)(e)(7) is amended to remove the “/” and replace with “or” to be consistent with the other formatting changes incorporated throughout these regulations. “CDC” is replaced with “CDCR” to reflect the current name of the CDCR Form 1074 and department. The term “parole office” is replaced with “field office” to reflect current terminology and to provide consistency with verbiage utilized throughout this Article. “CC” is replaced with “CCI” to identify the specific staff member responsible for making photocopies. The word “will” is replaced with “shall” as a non-substantive change because will and shall mean the same thing. **The phrase “or field office” is added to provide clarity to the sentence, ensuring that the institution or field office keeps a legible copy of the approved CDCR Form 1074.**

Subsection 3139(c)(e)(8) is amended to replace “CDC” with “CDCR” to reflect the current name of the Form and department.

Subsection 3139(c)(e)(9) is amended to replace the word “approved” with “all completed”, to reflect that both approved and disapproved forms shall be kept by the mailroom staff. This change is necessary to ensure the mail room supervisor maintains records for all requests, not just those

that are approved. “CDC” is replaced with “CDCR” to reflect the current name of the CDCR Form 1074 and department.

Subsection 3139(c)(10) is amended to add “or supervised person”. This change is necessary for consistency with the remainder of this section, and to recognize that both incarcerated persons and supervised persons require permission to correspond with persons identified within subsection 3139(a)(1) through (a)(4). “An incarcerated person in a county, state, or federal institution, or if the request is from a county, state, or federal incarcerated person” is replaced with “a person listed in subsection 3139 (a)(1) through (a)(4) who is not under the jurisdiction of the department” to clearly identify who the incarcerated person or supervised person needs permission to correspond with. “or PAI” is added throughout this subsection to reflect the person responsible for processing requests from supervised persons. “CDC” is replaced with “CDCR” throughout this subsection to reflect the current name of the CDCR Form 1074 and department. **The phrase “or supervised person or PAI or PAI” is deleted. This change is necessary because the department determined that this permission is only necessary when a supervised person is requesting to correspond with an incarcerated person under the jurisdiction of CDCR. The word “requesting” is deleted and replaced with the word “other” due to the incorrect use of the word. CDCR is processing the form ensuring that it is sent to the non-CDCR agency.**

Subsection 3139(d) is renumbered to 3139(f) for proper alphanumeric placement due to new subsection (d).

Subsection 3139(d)(f) is amended to replace “/” with “,” in three places within this subsection as a non-substantive change for grammar. “Probationers” is replaced with “and persons listed in subsection 3139 (a)(1) through (a)(4)” to clearly identify who the incarcerated person or supervised person needs permission to correspond with. The word “can” is replaced with “may” as a non-substantive change because can and may mean the same thing. The term “correspond with” is removed and replaced with “send mail to” to provide consistency throughout the Article. The phrase “the approval is” is added to clarify as to what would be revoked. The word “correspondence” is replaced with “mail” to be consistent with the verbiage utilized throughout this Article. “And persons listed in subsections (a)(1) through (a)(4) are used here to be consistent with other subsections within this Article, and to clearly identify who the incarcerated person or supervised person may correspond with. The words “as a result of” are replaced with “or by” for clarity, and to clearly state an incarcerated person’s approval may be revoked resulting from a disciplinary violation involving the incarcerated person or supervised person and the individual with whom they have been approved to send and receive mail, or by a classification committee. “Documented” is added to underscore that a committee’s decision to revoke the approval is based on documented concerns as opposed to hearsay. “Concerns” is added for grammar and clarity. The sentence “The approval to send mail may also be revoked by the supervising authority of a person listed in subsections (a)(1) through (a)(4) who is not under the jurisdiction of the department” is added to recognize the law enforcement agency with jurisdiction over the other correspondent may also revoke the approval to correspond. The “,” is removed for grammar. “In writing” is added to clarify that the incarcerated person or supervised person shall be notified of the restriction, revocation, or approval in writing. This is necessary to provide proper notification

to all parties impacted by the decision. The word “the” is added for clarity and grammar. The parenthetical plural “(s)” is removed in five places within this subsection as a non-substantive change for clarity and grammar. The “/” is replaced with “or” in two places within this subsection as a non-substantive change for clarity and grammar. “Warden” is capitalized as a title and a non-substantive change for grammar. “Regional” is added to “Parole Administrator” in title case as this is the current name of the classification. “of the institution/facility where the incarcerated person(s)/supervised person(s) are housed” is replaced with “responsible for supervision of the incarcerated person or supervised person” for clarity, as the person responsible for supervision is a more accurate way to describe the responsible staff than identifying the location where the incarcerated person or supervised person is housed. **Additionally, the term “Regional Parole Administrator has been deleted and replaced with Assistant Deputy Director. This is the updated title for this classification.**

~~Subsection 3139(e) is unchanged. Subsection 3139(e) is renumbered to 3139(g), for proper alphanumeric placement due to the adoption of new subsections 3139(c) and (d).~~

~~Existing subsection 3139(f) through 3139(f)(3) are renumbered to 3139(g) through 3139(g)(3).~~

~~New Subsection 3139(f)(h)~~ is adopted to clarify that the decision to approve mail between an incarcerated person or supervised person and a person listed in subsection 3139(a) shall be made with consideration for the following: safety and security of the public, incarcerated persons, supervised persons, staff, or for other penological interests. This is necessary to identify factors that must be taken into consideration when making the decision to approve or deny the correspondence between incarcerated persons and supervised persons and those individuals identified in subsections 3139(a)(1)-(a)(4). **The deletion and addition of the phrases “~~or and supervised person, and or incarcerated person and~~” provide clarity to the newly adopted text. This change ensures that this provision does not apply to correspondence between supervised persons and those individuals identified in subsections 3139(a)(1)-(a)(4).**

Subsection 3139(g) is renumbered to subsection 3139(i) and is unchanged from the originally proposed text. This is existing (f) that was changed to (g) and is now (i).

Subsection 3139(g)(i) is repealed and replaced with new language to clarify that incarcerated person and supervised person mail privileges shall be unrestricted with the individuals listed in subsections 3139(g)(1) through (g)(3), regardless of their custody status. This change is necessary to clarify the right an incarcerated person or supervised person has to communicate with family members and co-litigants on active cases, regardless of their custody status. Additionally, language is added to this subsection to identify that the ability to send and receive mail may be revoked based on a violation of sections 3006 or 3135, or if the correspondent’s actions are deemed to be a threat to incarcerated persons, supervised persons, staff, or the public.

Subsection 3139(g)(1) was previously numbered 3139(f)(1) and is unchanged. 3139(g)(1) is renumbered to 3139(i)(1) and is unchanged from the originally proposed text.

Subsection 3139(g)(2) was previously numbered 3139(f)(2) and is unchanged. 3139(g)(2) is renumbered to 3139(i)(1) and is unchanged from the originally proposed text.

Subsection 3139(g)(3) was previously numbered 3139(f)(3) and now subsection (i)(3) and amended to remove the word “incarcerated” as correspondence between the individuals as described in subsection 3139(g) shall not be impacted by their custody status. The word “natural” is capitalized as the first word of the sentence. The word “legal guardian” is added to clarify that the incarcerated person or supervised person may communicate with the legal guardian of their child. “Supervised person” is added to include all individuals under the jurisdiction of the department. Language was repealed from this subsection and placed in subsection 3139(~~g~~)(i) for clarity.

Subsection 3139(h) was previously numbered to 3139(g) and amended to remove the word “another” for clarity because it is redundant and utilized earlier in the sentence. The outdated term “parole office” is replaced with “field office” to reflect current terminology and to be consistent with the verbiage utilized throughout this Article. 3139(h) is renumbered to 3139(j) and is unchanged from the originally proposed text.

Subsection 3139(i) was previously numbered 3139(h) and is unchanged. 3139(i) is renumbered to 3139(k).

Subsection 3139(j) was previously numbered to 3139(i) and amended to replace the “/” with “or” as a non-substantive change for clarity. The term “parole office” is replaced with “field office” to reflect current terminology and to be consistent with the verbiage utilized throughout this Article. The phrase “from an unapproved incarcerated person/supervised person correspondent” is replaced with “addressed to an incarcerated person or supervised person from a person listed in subsection 3139(a)(1) through (a)(4) who has not been approved to receive mail in accordance with this section”. This change is necessary to clearly identify those who have not been approved to correspond, and to be consistent with the verbiage used throughout this Article. The phrase “mark the envelope with “Not an Approved Correspondent” or equivalent language and return it to the sender” is replaced with “issue a CDCR Form 1819 (Rev. ~~(02/23)(02/24)~~ (08/24) Notification of Disapproval for Mail/Packages/Publications, notifying the receiving incarcerated person or supervised person of the reason for disapproval, and shall allow the incarcerated person or parole to determine how to dispose of the mail under subsection 3191(c)”. This change is necessary to reflect the process of disapproving mail. Specifically, disapproved mail is no longer immediately returned to the sender. Instead, this disapproval process is utilized consistently throughout this Article.

3139(j) is renumbered to 3139(l) and is amended to remove the text “or field” and the text “or supervised person”. This change is necessary to provide clarity regarding mail sent from individuals listed within subsections 3139(a)(1) through (a)(4) would not be addressed to a field office. Additionally, the text “or supervised person” is removed as this subsection does not apply to supervised persons. A new revision date for the CDCR Form 1819 is added due to revisions to the form.

Subsection 3139(k) was previously numbered 3139(j) and amended to replace “facility” with “institution” for consistency throughout this Article, as a correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. “Warden” is capitalized as a staff

title. "Superintendent" is removed as this is no longer a departmental classification. "Correctional" is removed for clarity because it is not necessary to describe an institution. The phrase "from a facility" is removed, as a non-substantive change for clarity, because it does not change the meaning of the sentence. **3139(k) is renumbered to 3139(m) and is unchanged from the originally proposed text.**

Section 3140 is amended to change the title of this section by removing the word "correspondence" and replace with "mail" because mail encompasses all forms of correspondence and to be consistent with the verbiage utilized throughout this Article.

Subsection 3140(a) is unchanged.

Subsection 3140(a)(1) is amended to remove the phrase "personal check, money order, cashier's check, certified check or any other" to provide clarity and eliminate redundancy from subsection 3140(a) because all of these items are negotiable instruments. The phrase "This information, along with" is removed for clarity, as the phrase does not add or take away meaning from the sentence. "The" is capitalized as the first word of the sentence. "First and last" is added to clarify the sender shall include their whole name along with the address on the face of the negotiable instrument. This is necessary to identify who is sending funds to the incarcerated person.

New subsection 3140(a)(2) is adopted to identify that negotiable instruments which do not include the sender's first and last name and address shall be considered contraband. Language from repealed subsection 3140(a)(5) is reincorporated to provide clarity because funds from unidentified sources present a security issue, and if not destroyed or returned may be used to conduct illicit incarcerated person business transactions within the institution in violation of section 3024. New language is added to identify the incarcerated person shall be notified via CDCR Form 1819, which is consistent with notifications for other items of disapproved mail within this Article. Additionally, language is incorporated to identify the holding of the negotiable instrument in the Trust Office while the incarcerated person is contacted regarding the disposition, and that the incarcerated person may choose to have the item returned or destroyed as outlined in 3191(c). **This subsection is amended to provide a new revision date for the CDCR Form 1819, due to revisions to the form. The phrase "pending the final disposition of the negotiable instrument" was added to provide clarity regarding how long the negotiable instrument shall be held in the Incarcerated person Trust Office safe. This change is necessary to allow for the completion of the CDCR Form 1819, which allows for the incarcerated person to decide upon the disposition of a disapproved item within 60 days. The phrase "for thirty calendar days while the incarcerated person is contacted regarding the disposition of the negotiable instrument. The incarcerated person may choose to have the item destroyed or returned to the sender." is deleted because this option is included within the CDCR Form 1819 process, which is referenced in this subsection.**

New subsection 3140(a)(3) is adopted to identify that negotiable instruments which do not include the incarcerated person's last name and departmental identification number shall be returned to the sender as undeliverable. This language is necessary, as negotiable instruments that cannot be associated with an incarcerated person, cannot be deposited into their trust account.

Subsection 3140(a)(4) was previously numbered 3140(a)(2) and amended to replace “/” with “,” as a non-substantive change for clarity and sentence structure. The phrase “or persons listed in subsections 3139(a)(1) through (a)(4)” was added to the text. This change is necessary to identify individuals who may not have received approval to correspond, and to be consistent with the verbiage used throughout this Article. “Be” is removed and placed after “only” to provide better sentence structure and clarity. **The word “be” is added back to this sentence and “only” is removed but added after the term “accepted” to provide better sentence structure and clarity.** “Pursuant to section 3139” is removed from this sentence. This change is necessary to provide clarity to this sentence because it is redundant. The phrase “members of the same family” is replaced with “immediate family members as defined in section 3000” for clarity and provides consistency with verbiage used throughout these regulations. “who are” is added before “the parents”, including the “s” added to “parents” for sentence structure and grammar. “or legal guardians” is added to expand the definition of parents to include the legal guardians of the incarcerated person’s child in the list of individuals who are authorized to send funds to an incarcerated person. This change is necessary to be consistent with section 3139. “(ren)” is removed from “child (ren)” for clarity, and simplifies the sentence to refer to a child rather than “child or children”. Non-substantive punctuation changes were made to provide clarity to the amended text.

Subsection 3140(a)(5) was previously numbered 3140(a)(3) and is unchanged.

Subsection 3140(a)(5) is repealed.

Subsection 3140(a)(6) was previously numbered 3140(a)(4) and amended to replace “will” with “shall” to provide clarity because cash received in incoming mail shall be considered contraband. “Via CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~(08/24)” is added to provide directions to staff that the incarcerated person shall be notified of the receipt of cash in an envelope sent in by a correspondent. The text “two copies of the memo will” was removed and replaced with “a copy of the completed CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~(08/24) shall”. This change was necessary for consistency in documenting all disapproved mail items. **This subsection is amended to provide a new revision date for the CDCR Form 1819, due to revisions to the form.**

Subsection 3140(a)(7) was previously numbered 3140(a)(6) and amended to add “sender’s name” to the list of data reported to the Inmate Trust Office for improved accountability and tracking. The sentence “The report and remittances shall be delivered to the Incarcerated person Trust Office” is added to provide clear direction that the report and remittances are to be delivered to the Trust Office.

Subsection 3140(b) is amended to change the word “welfare” to lowercase for grammar, as it is not a proper noun. The “/” is replaced with “or” as a non-substantive change and to be consistent with the formatting utilized throughout these regulations. The word “allowed” is replaced with “eligible” to recognize the department does not determine the inmate’s eligibility to receive funds, and for consistency with the verbiage utilized in this subsection.

Subsection 3140(b)(1) is amended to remove the word “facility”. This change is necessary to provide clarity because the assigned representative is a staff member located at the institution where the Business Services Associate Warden is assigned.

Subsection 3140(b)(2) is amended to remove “and/or” in front of the word “welfare”, to add “,” after the word “welfare”, and to remove “/or” in front of “tax refund”. This change is necessary to provide proper formatting of the list within this subsection.

Subsection 3140(b)(3) is unchanged.

Subsection 3140(c) is amended to remove “U.S. Government check” and replace with “negotiable instrument” for clarity. This change is necessary to expand this subsection to address the processing of all negotiable instruments. “Sending agency” is replaced with “sender” to expand this subsection to address all parties that may send negotiable instruments. The text “The necessary information shown as to” is removed and replaced with “documentation”. This change is necessary to provide clarity as to how the sender will receive official notification of the incarcerated person’s death.

Subsection 3140(c)(1) is amended to remove the word “facility” and replace with “institution” for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The word “check” is replaced with “negotiable instrument” to expand this subsection to address all negotiable instruments to be consistent with the verbiage utilized in this section. The phrase “to the receiving institution mailroom for processing” is added to clarify where the negotiable instrument shall be forwarded. “Agency” is replaced with “sender” to expand this subsection to address negotiable instruments sent from all parties, as opposed to just government agencies.

Subsection 3140(c)(2) is amended to replace “mail” with “negotiable instruments” for clarity, as this section is specifically addressing negotiable instruments, and the processing of mail is addressed elsewhere within this Article. The word “been” is removed for grammar, and does not change the meaning of the sentence. “Parole office” is replaced with “field office” to reflect current terminology consistent with the verbiage utilized throughout these regulations. The phrase “of the parole region to which the incarcerated person was released, or if unable to locate the supervised person, the check should” is removed and replaced with “if the individual is no longer within the jurisdiction of the department or the individual’s location is unknown the negotiable instrument shall”. This change is necessary to expand this subsection to cover all individuals under the department’s jurisdiction who have been discharged or whose whereabouts are unknown. Additionally, this language expands to whom the negotiable instrument shall be returned by replacing “originating state or federal agency” with “sender.”

Subsection 3140(d) is amended to capitalize the words “Inmate Trust Account” as the term is a pronoun. The phrase “personal check, money order, cashier’s check, certified check, or any other” is removed as unnecessary language, as these terms are a subset of a “negotiable instrument.”

Subsection 3140(e) is amended to remove the words “to the sender” from the text, because it is redundant. The word “it” was replaced with the words “foreign currency” for clarity. The words “the Incarcerated person shall be notified via a CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~(08/24).” are added to provide a means of notifying the incarcerated person consistent with other types of disapproved mail and is addressed throughout this Article. **This subsection is amended to provide a new revision date for the CDCR Form 1819, due to revisions to the form.**

Section 3141 is amended to change the title of this section to Confidential Mail. This change is necessary to be consistent with the verbiage utilized throughout this Article.

Subsection 3141(a) is amended to replace the term “confidential correspondence” with “confidential mail” to be consistent with the verbiage utilized throughout this Article. This change is necessary to encompass all types of items that could be confidentially sent through the mail process. “Correspondence” is replaced with “communications” to better describe personal non-business activity. “Transmission” is replaced with “distribution” in the context of disseminating contraband, and is consistent with verbiage utilized in sections 3006 and 3016 of these regulations. “Letters” is replaced by “mail” to include all items that may be found within confidential mail. The phrase “such proven abuse” is removed for clarity and ease of reading, and does not change the meaning of the sentence. This subsection is amended to reinforce that confidential mail is a right guaranteed by law, and abuse of that right may result in disciplinary action.

Subsection 3141(b) is amended to remove the phrase “will not be limited to First Class mail standards. Mail received from confidential correspondents will” and replace with “shall.” This change is necessary to identify that confidential mail shall be processed regardless of weight or postage class.

Subsection 3141(c) is amended to replace the word “may” with “are authorized to” is necessary to clarify that incarcerated persons are authorized to correspond with the individuals listed in 3141(c)(1) through (c)(9), because “may” is a permissive term. The phrase “correspond confidentially and from whom incarcerated persons may receive confidential correspondence” is replaced with “send and receive confidential mail” to provide clarity regarding who can send and receive confidential mail. This does not change the meaning of this sentence. The term “correspondence” is replaced with “mail” consistently throughout this Article to encompass all types of items that could be confidentially sent through the mail process.

Subsections 3141(c)(1) through (c)(2) remain unchanged.

Subsection 3141(c)(3) is amended to add “ary” to the word “probation” as a non-substantive change for grammar, and does not change the meaning of the text.

Subsection 3141(c)(4) is amended to add “child support” proceedings to child custody proceedings. This change is necessary to ensure mail addressed to and from county agencies for child support purposes is processed as confidential mail. The phrase “in the communication and listed” is removed, as staff are not authorized to read confidential mail.

Subsections 3141(c)(5) through (c)(7) remain unchanged.

Subsection 3141(c)(8) is amended to remove “Chief Deputy Secretaries, and Executive Director” as these positions no longer exist. The word “Chief” is removed for clarity. This change is necessary to allow incarcerated persons to send confidential to anyone in the Office of Appeals. The word “and” is removed for grammar, as the list has been expanded. The “Ombudsman’s Office of the Department” is replaced with the “Office of the Ombudsman,” to update the title. “The Board of Parole Hearings, and the Office of Legal Affairs” is added to the list, as these two branches of the department have been determined to qualify as recipients of confidential mail based on the confidential nature of the subject matter within these departmental communications.

Subsection 3141(c)(9) is renumbered to (c)(10) and remains unchanged.

New subsection 3141(c)(9) is adopted to add Department of General Services, Office of Risk and Insurance Management (DGS ORIM) to the list of confidential correspondents. This change is necessary to reference existing text in section 3165, because the mailing of legal documents to DGS ORIM qualifies as confidential mail.

Subsection 3141(c)(11) is adopted to add “all rape crisis centers and sexual victim advocacy groups” to the list of confidential correspondents based on the confidential nature of the subject matter within these departmental communications, and in compliance with the Prison Rape Elimination Act.

Subsection 3141(d) is amended to remove the word “confidential”. This change is necessary because all mail which is addressed from an attorney or legal service organization shall be processed as confidential in accordance with subsection 3141(c).

Section 3141 NOTE: is amended to add the proper reference citing, by deleting the text “CA 3rd” and replacing with the text “Cal.3d” in regard to the “*In re Jordan*” lawsuit. Additionally, the year 1974 was moved from proper placement within the citing. A comma was removed as a non-substantive grammatical correction.

Section 3142 is amended to replace the word “correspondence” with “mail” to be consistent with the verbiage utilized throughout these regulations. The word “letter” is replaced with “mail”, expanding the meaning of the sentence to include all items that may be contained within the envelope to be considered mail. These changes are necessary to encompass all types of items that could be confidentially sent through the mail process.

Subsection 3142(a) is amended to replace the word “letter” with “mail”, expanding the meaning of the sentence to include all items that may be contained within the envelope to be considered mail, and to be consistent with the verbiage utilized throughout this Article. This change is necessary to encompass all types of items that could be processed as outgoing confidential mail. The word “must” is replaced with “shall” to clarify that to be processed as confidential mail, the item shall be addressed to a person or office listed in section 3141, and to be consistent with the verbiage utilized throughout these regulations. The word “Association” is added to provide the appropriate title of “State Bar Association”.

Subsection 3142(b) is unchanged.

Subsection 3142(c) is amended to replace the word “will” with “shall”. This change is necessary to clarify that if an envelope does not say “confidential” on it, it will be treated as regular mail. The phrase “for any reason” is removed to provide clarity to the sentence by eliminating unnecessary words that do not change the meaning of the sentence.

Subsection 3142(d) is amended to remove the word “post” and replace with “send outgoing”. This change is necessary to update the text with modern terminology and clarify how incarcerated persons send outgoing confidential mail. The meaning of the sentence remains the same.

Subsection 3142(e) is amended to remove “and/” with “or” as a non-substantive change and does not change the meaning of the sentence.

Subsection 3142(f) is adopted to provide staff direction that outgoing confidential mail contains errors, it will be returned unopened. This change is necessary to ensure incarcerated person confidentiality in the processing of outgoing confidential mail.

Section 3143 is amended to replace the word “letter” with “mail”, expanding the meaning of the sentence to include all items that may be contained within the envelope to be considered mail, and to be consistent with the verbiage utilized throughout this Article. The word “Association” is added to provide the appropriate title of a State Bar Association. The word “correspondence” is replaced with “mail” to be consistent with the verbiage utilized throughout this Article. The word “appropriately” is replaced with “properly” to be consistent with the language utilized throughout this Article. The word “correspondence” is replaced with “mail” to be consistent with the verbiage utilized throughout this Article. The language “whether or not it is stamped as such” is removed for clarity, as it is unnecessary and does not change the meaning of this sentence.

Subsection 3143(a) is amended to replace the word “letter” with “confidential mail”. Adding the word “confidential” is important to specify the type of mail that shall be opened in the presence of the incarcerated person. “Letter” is replaced with “mail”, expanding the meaning of the sentence to include all items that may be contained within the envelope to be considered mail, and to be consistent with the verbiage utilized throughout this Article.

Subsection 3143(b) is amended to replace the word “must” with “shall”. This is non-substantive and does not change the meaning of the sentence. The use of “shall” conveys that staff is obligated to record the date of delivery, the incarcerated person's name and departmental identification number, and the sender's name and address. An apostrophe was added to the word incarcerated person as a non-substantial grammatical change.

Subsection 3143(c) is adopted to provide clarification regarding mail that does not meet the criteria as outlined in this subsection shall be processed as regular mail. This change is necessary to ensure that the potential confidential correspondents are aware that incorrectly addressed mail will be processed as regular **mail and subject to inspection in accordance with section 3133 of the regulations which require all incoming mail to be opened and inspected prior to delivery to the incarcerated population.**

Section 3144 is amended to replace the word “will” with “shall” throughout this subsection. The use of “shall” conveys that confidential mail shall be opened and inspected for contraband in the presence of the incarcerated person and that staff shall not read any of the contents of the confidential mail. “Officials” is replaced with “staff” as the proper term for employees of the department.

Subsection 3144(a) is amended to replace “officials” with “staff of” as the proper term for employees of the department. The phrase “that the letter is not addressed to or is not from an official office listed in section 3141 or when other means of the inspection indicates” is removed. This change provides clarity regarding incoming confidential mail and is consistent with subsection 3143(c). The word “envelope” is replaced with “mail”, expanding the meaning of the sentence to include all items that may be contained within the envelope to be considered mail, and to be consistent with the verbiage utilized throughout this Article. The word “will” is removed and replaced with “shall” as a non-substantive change as will to shall mean the same thing. The

phrase “or when other means of inspection indicates” is removed and replaced with clear language to identify the cause for suspicion to include, but not be limited to, the reasonable belief by correctional staff of the presence of physical contraband, as stated above. The word “envelope” is replaced with “mail” as mail encompasses the envelope and its contents. This change provides consistency with the terminology utilized throughout this Article. Language is added to note that cause for suspicion shall not be based on the belief that the written content of the mail is not legal in nature. Additionally, language is added directing staff to contact the Headquarters CDCR Office of Legal Affairs if there is any question regarding the suspected contents of confidential mail. All of the changes made within this subsection preserve the incarcerated persons’ right to maintain confidential communications. These changes are necessary to provide clear direction to staff regarding the proper handling of confidential mail, and to improve the clarity and consistency of language used within these regulations.

Subsection 3144(b) is amended to remove the text “an attorney” and add the text “any person listed in section 3141”. This change is necessary to provide consistency with subsection 3141(c), which identifies all authorized confidential correspondents and to eliminate confusion as to which person(s) may be impacted by an administrative action to restrict confidential correspondence privileges.

Subsection 3144(b)(1) is amended to remove the words “mail rule”. This change is necessary because it may be misconstrued to include all mail violations as opposed to those involving confidential mail. The word “confidential” is added to “mail regulations”. This change is necessary to identify a first offense for a non-serious confidential mail rule violation shall range from a written warning up to a six-month suspension of the mail privileges for a person listed in section 3141(c). “attorney’s” is replaced with “for a person listed in section 3141(c)”. This change is necessary to clarify the affected party and provide consistency throughout this subsection. The definition of a non-serious rules’ violation is removed, as rules violations are defined within section 3313. **The following text is added back into the regulations: “A non-serious mail violation means a violation of the incarcerated person regulations that is not chargeable as a felony but is nevertheless unlawful, such as an enclosure of contraband into the confidential mail, or a misrepresentation of the sender or addressee’s identity.” This addition is necessary to distinguish between serious and non-serious confidential mail violations. The language provides a definition for a non-serious violations, thus making all other violations serious in nature.**

Subsection 3144(b)(2) is amended to remove the words “mail rule”. This change is necessary because it may be misconstrued to include all mail violations as opposed to those involving confidential mail. “Of the department’s confidential mail regulations” is added to provide consistency with the language used in subsection 3144(b)(1). “/” is removed and replaced with the word “or” as a non-substantive change that does not change the meaning of the sentence.

Subsection 3144(b)(3) is amended to remove “Similar nature and/” and replace with “non-serious violation of the department’s confidential mail regulations” to provide clarity that three separate non-serious violations of the mail regulations shall result in confidential mail privileges being suspended from one year up to an indefinite period of time. “A first offense” is replaced with “any violation of the department’s confidential mail regulations”, as this sentence describes

violations that may be classified as a felony that jeopardizes the safety of persons, and therefore shall be treated as such regardless of whether it is the first offense, and identifies the confidential mail privilege shall be suspended from one year up to an indefinite period of time. This language is necessary to preserve the safety and security of incarcerated persons, staff, and the public.

Subsection 3144(b)(4) is repealed.

New subsection 3144(b)(4) is adopted to incorporate language to delegate the authority in making a final determination in suspending confidential mail privileges between an incarcerated person and an individual listed in section 3141(c) to the Warden when the suspension is enforced at an institution. Language is also added to provide the authority for the statewide suspension to be given to the Director, DAI or their designee. This language is necessary to ensure the appropriate level of authority is identified when suspending confidential mail privilege between incarcerated persons and the individuals listed in section 3141(c). ***The text “Factors for consideration when determining the duration of a modification or suspension of confidential mail privileges include but are not limited to the risk of harm to the safety and security of incarcerated persons, staff or members of the public, the number of violations, and the evidence that a violation was intentional.” Is added to the provide guidance to the Warden or Director of DAI (as relevant) when determining the duration of modification or suspension of confidential mail privileges. Providing factors for decision making ensures consistency and proportionality in the modification and suspension of confidential mail privileges and puts confidential correspondents on notice as to how the department will handle violations to the confidential mail privileges.***

New Subsection 3144(b)(5) is adopted to identify that an individual’s request to reinstate their confidential mail privileges with an incarcerated person shall not be delegated below the level of Warden when the suspension is enforced at an institution, and not below the level of the Director, DAI for statewide confidential mail privileges. This is necessary to identify the appropriate level of departmental staff who can reinstate confidential mail privileges for persons listed in section 3141(c). ***The text “A decision to approve or deny a request for reinstatement shall be made on a case-by-case basis, in consideration of the totality of circumstances resulting in the suspension of confidential mail privileges” is added. “Factors for consideration include but are not limited to evidence of good standing with a bar association or with the community, as relevant, and lack of additional violations of departmental rules” is added to this subsection. This language clarifies that each decision regarding a reinstatement request must be individualized and based on all relevant information. The factors for consideration are added to provide guidance to the Warden or Director of DAI, as relevant, when determining the duration for suspension of confidential mail privileges. Providing factors for decision-making ensures consistency and proportionality in decisions to reinstate confidential mail privileges and puts confidential correspondents on notice as to how the department will handle request for reinstatement of privileges.***

Subsection 3144(c) is amended to replace “the envelope” with “confidential mail,” expanding the meaning of the sentence to include all items that may be contained within the envelope to be considered mail, and to be consistent with the verbiage utilized throughout this Article. “Prohibited material or that” is replaced with “contraband as described in section 3006” for clarity and to be

consistent with the terms used throughout these regulations. “Or if” is added for sentence structure and to maintain the overall meaning of this subsection. The word “enclosures” is replaced with “content” to clarify that anything found confidential may be examined and read. This change is necessary when staff find contraband in confidential mail, they are authorized to search its contents to ensure the safety and security of the institution.

Subsection 3144(c)(1) is amended to replace “will” with “shall” throughout the text to provide clarity. The use of shall more clearly convey the requirements of how violations are referred to criminal authorities, reported to the Director of DAI, and how the Director is notified of the outcomes.

Subsection 3144(c)(2) is amended to remove “Or complicity”. This change is necessary to provide clarity by simplifying the language regarding the incarcerated person’s criminal involvement. “Approved” is removed, to provide clarity, as all institution mail procedures are approved by the hiring authority. The phrase “the matter may also be handled by appropriate” is replaced with “the incarcerated person may be subject to”. This change is necessary to provide clarity and does not change the underlying meaning of the sentence. Non-substantive changes were made throughout this subsection for proper punctuation.

Section 3145 is amended to update the title of this section and to replace the word “enclosures” with “envelope(s)” throughout. This change is necessary to provide clarity that this section is specific to sealed content discovered in confidential mail. This section is further amended to replace “correspondence” with “mail”. This change is necessary to provide consistency throughout this section. The word “discloses” is replaced with “reveals the presence of” to provide clarity to this sentence. The meaning of this sentence is not affected by this change. “Will” is replaced with “shall” to provide clarity throughout the text. The use of shall more clearly convey directions to staff that enclosures shall be treated in the same manner as confidential mail and shall not be allowed except as authorized within this section.

Subsection 3145(a) is amended to update the title of this section and to replace the word “enclosures” with “envelope(s)” throughout. This change is necessary to provide clarity that this section is specific to sealed content discovered in confidential mail. The word “will” is replaced with “shall” for clarity, and to provide clear direction to staff that examination of the envelope shall be limited to the extent necessary to determine if it may be safely admitted into the institution. The words “safely admitted into the institution under the standards of Penal Code Section 2601” are removed and replaced with “disapproved as contraband under sections 3006, 3134 or 3135”. This change provides clarity by describing the reasons for disapproving an item. California Penal Code (PC) section 2601 provides the department with the authority to make determinations regarding incarcerated person property, however, sections 3006, 3134 and 3135 are used to describe the specific items incarcerated persons are not authorized to possess. The sentence “Staff shall not read written material on the envelope(s)” is added to this subsection. This change is necessary to clearly identify that staff shall not read anything written on the envelope(s), because it is to be treated the same as confidential mail. “The conclusion of the examiner will be written” is replaced with “staff shall write”. This change is necessary to provide clarity to the sentence, by stating that staff shall provide a signature and date to verify that the envelope(s) has been reviewed. “Will” is replaced with “shall” for clarity, and to provide clear direction that if the

envelope(s) can be safely admitted into the institution, it shall be given to the incarcerated person. The words “if in the examiner's opinion the enclosure does not meet the standards of Penal Code Section 2601 and cannot be safely admitted into the institution” are replaced with “If the enclosure constitutes one or more items identified in sections 3006, 3134, or 3135.” This change more accurately describes the reasons for disapproving an item. As stated previously in this subsection, California Penal Code (PC) section 2601 provides the department with the authority to make determinations regarding incarcerated person property, however, sections 3006, 3134 and 3135 are used to describe the specific items incarcerated persons are not authorized to possess. The word “will” is replaced with “shall” to clearly identify that confidential mail for final determination as described within this subsection shall not be delegated below the rank of Captain. The verbiage “at this level, the incarcerated person will be allowed access to the enclosure only as authorized in subsection (b)” is replaced with “the disapproved envelope(s) shall be documented via issuance of a CDCR Form 1819 (Rev. ~~(02/23)~~~~(02/24)~~(08/24).” This change is necessary to identify that disapproved confidential mail shall be processed in accordance with all other items of disapproved mail and shall be documented using the CDCR Form 1819 (Rev. ~~(02/23)~~ (02/24) 08/24). The sentence “The incarcerated person shall determine how to dispose of the envelope(s) under subsection 3191(c)” is added to clearly identify the incarcerated person’s involvement in making a determination regarding the disposition of the disapproved confidential mail. **This subsection is amended to provide a new revision date for the CDCR Form 1819, due to revisions to the form.**

Subsection 3145(b) is amended to replace the word “enclosures” with “envelope(s)” throughout. This change is necessary to provide clarity that this section is specific to sealed content discovered in confidential mail. The word “will” is replaced with “shall” throughout this subsection. The use of shall more clearly conveys how the envelope is separated and how it is to be disposed. This change is necessary to provide clarity to the text, and does not change the meaning of this subsection. “Is entitled to keep” is replaced with “shall be issued” to provide clear direction that staff shall issue the remaining contents of the confidential mail to the incarcerated person. “The letter or correspondence” is replaced with “remaining contents of the confidential mail”. This change is necessary to be inclusive of all forms of confidential mail that the incarcerated person is entitled to keep except for the envelope, and is consistent with the verbiage utilized throughout this Article. The prefix “sub” was added before as a non-substantive change for consistency throughout the document.

Subsection 3145(c) is amended to replace the word “a” with “an”. This is a non-substantive change for grammar. The words “grievance or” is added to the text. This change is necessary to reflect updated terminology pertaining to the established administrative remedies available to incarcerated persons. “Must” is replaced with “shall” to clearly direct staff that confidentiality shall be preserved when it is necessary to examine the contents of confidential mail as described within this subsection. “Personal correspondence” is replaced with “confidential mail” to be consistent with the verbiage utilized throughout this Article, and does not change the meaning of the sentence. “Be placed in an incarcerated person’s C-File” is replaced with “entered in the Strategic Offender Management System”. This change is necessary because all incarcerated person records are now retained in the Strategic Offender Management System. “Correspondence” is replaced with “mail” to remain consistent with the terminology utilized throughout this Article.

Subsection 3145(c)(1) is amended to add “; or” as a non-substantive grammatical change, which provides clarity to the subsections to follow.

Subsection 3145(c)(2) is amended to replace “subject to” with “under” to remain consistent with the verbiage utilized throughout these regulations, and the meaning of the sentence has not changed. Additionally, “; or” is a non-substantive grammatical change, which provides clarity to the subsection to follow.

Subsection 3145(c)(3) is amended to replace “personal correspondence” with “confidential mail” to remain consistent with the verbiage utilized throughout these regulations, and the meaning of the sentence has not changed. The words “placed in their C-file” are replaced with “entered into SOMS”, as all incarcerated person records are now retained in the SOMS. Additionally, “caseworker” is replaced with “Correctional Counselor I” to identify the specific staff who are assigned to perform incarcerated person casework. The word “relationship” is replaced with “relevance”. This change is necessary to provide clarity regarding the types of confidential mail that an incarcerated person may request to be added to the SOMS. Non-substantive changes were made to correct punctuation.

Section 3145 NOTE: is amended to add the proper reference citing, by deleting the text “CA 3rd” and replacing with the text “Cal.3d” in regard to the “*In re Jordan*” lawsuit. Additionally, the year 1974 was moved from proper placement within the citing. A comma was removed as a non-substantive grammatical correction.

Section 3146 is amended to add “due to the availability of resources required to provide translation services”. This is necessary to explain that mail in languages other than English may, at times, be delayed for translation, and the language is necessary to clarify that delays under this subsection are not a result of staff discretion. The verbiage “normal mail processing by five business days” is removed and replaced with “the established timeframes for the delivery of mail as outlined in section 3133 and 3147”. This change is necessary to avoid confusion and the possibility of cumulative delays due to an item of mail being in a language other than English in addition to other reasons for the delay. Instead, this change clarifies that whenever mail is delayed beyond the timeframes established in sections 3133 and 3147 (as relevant per type of mail) the incarcerated person shall be provided with written notification of the delay. This section is also amended to add “via CDCR Form 1819 ~~(02/23)(02/24)(08/24)~~” to identify the current process for notifying incarcerated person of the disposition of mail when it needs to be translated by staff. “Including” is added in front of “the reason for the delay” to accommodate the reference to the CDCR Form 1819 ~~(02/23)(02/24)(08/24)~~ in the sentence for clarity. “If staff are unable to translate the letter and its contents within 20 business days of notice to the incarcerated person, then the letter shall be delivered to the incarcerated person untranslated” is replaced with “Unless the item is determined to contain contraband as described in sections 3006, 3134 or 3135, staff shall deliver the mail to the incarcerated person within 30 calendar days of the notice, regardless of translation.” This change is necessary to ensure that, regardless of whether the staff has been able to translate the mail, it shall be delivered to the incarcerated person, unless deemed to be contraband as outlined in sections 3006, 3134 or 3135. 20 business days are changed to 30 calendar days to be consistent with the timeframes for other mail items, such as disapproved publications. **This**

subsection is amended to provide a new revision date for the CDCR Form 1819, due to revisions to the form.

Section 3147 Definition and Disposition of Mail [Renumber] is deleted.

New subsection 3147 is adopted to add the title Special Purchases, Vendor Packages, and Publications-Only Packages.

New subsection 3147(a) is adopted to establish a list of package items that are authorized in addition to personal correspondence as outlined in section 3134. This is necessary to provide staff and incarcerated persons with a list of the different types of authorized packages.

New subsections 3147(a)(1) and 3147(a)(2) are adopted to list special purchases and vendor packages which are authorized to be mailed to incarcerated persons according to subsections 3190(l) and 3190(h).

New subsection 3147(a)(3) is adopted to list and establish the definition of “publications-only packages” as packages that only contain books or periodicals. This is necessary because publications-only packages shall be processed in a manner that varies from other types of packages and needs to be separately defined within these regulations.

New subsection 3147(b) is adopted to indicate where special purchases, vendor packages and publications-only packages shall be shipped from. The word “be” is added, “only be” is removed” and “only” is readded after the term “provided” for improved grammar and sentence structure. “by departmentally approved vendors” is removed and replaced with “as outlined in section 3190” because the process for obtaining special purchases and vendor packages is already described in section 3190 of the regulations and redirecting the reader to the relevant section is more precise that using terms for different types of packages in this subsection. “or as otherwise permitted in regulations” is removed because the language is vague and does not provide a specific reference within the regulations. This is necessary to distinguish that while special purchases and vendor packages must come from an approved vendor, publications-only packages may be shipped directly from a bookstore, distributor, publisher, religious organization or departmentally approved vendor. “as outlined in section 3190” is also added to the final sentence to replace “departmentally approved vendors.” This change redirects the reader to the relevant section for packages and thus avoids potential confusion between different types of packages.

New subsection 3147(c) is adopted to add the sentence “Inspection of Incoming and Outgoing Packages shall occur as follows:” to establish instructions for the inspection of incoming and outgoing packages.

New subsection 3147(c)(1) is adopted to direct the institutions to establish and make available to all incarcerated persons the procedures for shipping packages to persons outside of the institution. This is necessary to ensure incarcerated persons have access to the information needed to send outgoing packages.

New subsection 3147(c)(2) is adopted to direct the institutions to establish and make available to all incarcerated persons the procedures for receiving packages in accordance with the property limits in section 3190, and in keeping with incarcerated person security levels and privilege

groups. This is necessary to ensure incarcerated persons have access to the information needed to receive packages. Additionally, section 3190 and its subsections provide a comprehensive list of items and the maximum number of each that an incarcerated person is authorized to purchase and possess. **The term “may” is replaced with “shall” to clarify that an institution shall not deliver a package if the incarcerated person is not authorized to receive it. This change is necessary to clarify that it is not a discretionary matter. The word “vendor’s” is removed. The word “sender’s” is added to the text. This language clarifies that any type of package will be returned to sender if damaged.** Language is introduced to clarify that packages exceeding the maximum weight limit per subsection 3190(h), and any damaged packages received shall be returned at the vendor’s expense. This is necessary as it identifies that incarcerated persons shall not incur the cost of overweight or damaged package returns.

New subsection 3147(c)(3) is adopted to specify that, except for publications-only packages, vendor packages shall be opened and inspected in the presence of the incarcerated person. **The term “vendor” is removed as the term “packages” is more appropriate in the context of this subsection. Packages are described in section 3190 of the regulations.** Having the incarcerated person present when the package is opened allows the incarcerated person to see what was shipped and observe staff inspect the contents for compliance with section 3190. This inspection is necessary to prevent the introduction of contraband and disapproved items under sections 3006, 3134 and 3135 of these regulations.

New subsection 3147(c)(4) is adopted to allow publication-only packages to be inspected outside the incarcerated person’s presence and in accordance with section 3134.1. This is necessary to allow for institution staff to properly review all publications to ensure they do not violate sections 3006, 3134 and 3135 of these regulations. Language is added to identify there shall be no limit placed on the number of publications-only packages an incarcerated person may order, aside from the limitations under section 3190. This is necessary to ensure incarcerated persons are free to purchase books, magazines, and newspapers without limitations, recognizing the quantity of these items they may have in their possession and the total volume of personal property they are entitled to keep is regulated by section 3190.

New subsection 3147(c)(5) is adopted to establish that all packages shall be delivered within 15 calendar days, except during holiday seasons, lockdowns, or modified programs. This language is necessary to establish timeframes for the delivery of packages and publications and recognize circumstances in which they may be delayed. The term “holiday seasons” is utilized to recognize extended periods surrounding major holidays where outside delivery services and the institution mailrooms may be operationally impacted (i.e., higher volume of mail deliveries, staffing shortages, etc.). **The text “holiday seasons such as Christmas, Easter, and Thanksgiving” is removed and replaced with “peak mail seasons such as the week before and after Easter, the week of Thanksgiving through the New Year,” to provide clarity to this subsection. The prior term “holiday seasons” was vague and could result in multiple interpretations of what constitutes a holiday season. The new text provides specific dates when the department expected an increased volume of mail that could result in delayed delivery. Additionally, the new language emphasizes potential delays due to the times of increased mail, and not necessarily because of a specific holiday itself.**

Section 3147 NOTE: is amended to add the proper reference citing the correct settlement agreement *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW. Additionally, “section 4570” and “C031.3.0 and” are deleted as they are improper references.

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 2. Incarcerated Person Resources

Article 9. Personal Property and Religious Personal Property

Section 3190. General Policy

Subsections 3190(a) through (g) remain unchanged.

Subsection 3190(h) is amended to replace the word “acquire” with “receive”. This is necessary because the revised text better captures the process in which packages are shipped to the institution for distribution to the incarcerated persons. The word “incarcerated person” is removed and replaced with “vendor” throughout this subsection. This change is necessary to clarify the types of packages that are provided via departmentally approved vendors. **Upon further consideration the term “vendor” is also removed from the term “vendor packages” throughout this subsection as unnecessary. This change avoids any potential confusion in use of the term vendor to describe the types of packages being described in the subsection.** The term “/facility” is removed for consistency, as correctional facility and correctional institution are synonymous terms. This change is necessary to clarify the text applies to the entire institution, not just a facility or certain area within the institution. The “-“ is replaced with a space in “departmentally approved” for grammar and consistency with the changes made throughout this Article. The words “or publication-only packages” is added to provide consistency with section 3147. The “are” is removed and replaced with “shall be”. This change is necessary to clearly convey the 30-pound weight limit for vendor packages.

Subsection 3190(i) is amended to replace “allowable” with “authorized”. This change is necessary for clarity and consistency in identifying the types of personal items that have been approved by the department. The word “and” is removed in front of “personal care” and the “/” is replaced with “,” as a non-substantive change for grammar. The phrase “section 3190(a)” is replaced with “subsections 3190(a) and (b)” as needed to clarify that state-issued and personal property items may be authorized under the statewide property schedules as well as via institution exemptions listed within these subsections. The phrase “ownership of their” is added to clarify that incarcerated persons are required to maintain proof of their canteen purchases until those purchases have been expended.

Subsection 3190(j) is amended to remove the word “only” for grammar. This does not change the meaning of the sentence. The “/” is replaced with “and” for grammar. The phrase “an exemption to the clear item and/or clear case requirement is” is removed. This change is necessary to provide clarity because the text is redundant and does not change the meaning of the sentence. The phrase “by a physician” is removed, as medical exemptions may be authorized by medical professionals other than a physician. The phrase “beyond one year” is added to clarify that if the incarcerated person’s condition requiring a medical exemption for an item that is not available in clear case packaging persists beyond one year, they may submit another exemption request.

Subsection 3190(k) is amended to replace the phrase “section 3190(a)” with “subsections 3190(a)-~~(e)(e)~~” as needed to clarify that state-issued and personal clothing may be authorized under the statewide property schedules as well as via institution exemptions listed within these subsections. **Additionally, “(c)” is deleted and replaced with “(e)”. This change is necessary for the correct reference regarding incarcerated person property. Subsections 3190(d) and (e) refer to Authorized Personal Property for the Non-Disciplinary Restricted Housing and Transgender incarcerated persons who are authorized to possess personal and religious clothing items as outlined within these regulations.**

Subsection 3190(l) is amended to replace the “-” with a space in “departmentally approved” in two places for grammar and consistency with the changes made throughout this Article. The word “incarcerated person” is removed for consistency with the terms used throughout this section. The phrase “designated staff” is replaced with “their designee”. This is necessary to clarify that the institution head or their designee is responsible for ensuring catalogs are available. The word “eligible” is added to the text. This change is necessary to identify who is allowed to receive vendor catalogs. The term “who qualify” is removed for clarity because the sentence already addresses eligible incarcerated persons, and the term is redundant. The phrase “shall only include” is replaced with “are limited to”. This change is necessary to provide the limitations for special purchase items.

Subsection 3190(l)(1) is amended to site the correct citation of subsection 3190(e) regarding property limits. The word “and” was added to the sentence for proper grammar. **The incorrect reference “(e)” is deleted and replaced with (f). This subsection correctly refers to the six-cubic foot of personal property limitation outlined within subsection 3190(f) of these regulations.**

Subsection 3190(l)(2) is amended to remove the phrase “not available in the institution canteen”. This change is necessary to clarify that incarcerated persons are authorized to purchase legal material from the entities listed within this subsection, whether the items are available in the institution canteen. The words “from any publisher, bookstore or book distributor that does mail order business” is replaced with “directly from bookstores, book distributors, publishers that conduct mail order business, religious organizations, or from departmentally approved vendors”. **The text “from departmentally approved vendors” is removed and replaced with “or packages outlined in this section” to avoid any potential confusion between different types of packages, instead directing the reader to the specific section that describes packages.** This change is necessary to expand the availability of legal publications to incarcerated persons, and for consistency with the terminology utilized within these regulations. Language is added to identify that the entities listed within this subsection are not required to receive approval from the department in order to sell legal publications to incarcerated persons. This language is consistent with the verbiage utilized throughout these regulations. Language is added to identify there is no weight restriction for legal books. These changes are made to remain consistent with terminology utilized throughout these regulations, and in compliance with the 2007 Prison Legal News Settlement Agreement. **The phrase “but not limited to” is added. This change is necessary to establish that the examples provided within this subsection do not establish an exhaustive list of the types of legal materials that can be obtained via special purchases. The term “books” is deleted and replaced with “publications” to clarify that all forms of legal publications are recognized legal materials.**

Subsection 3190(l)(3) is amended to add “the” to the text as a non-substantive change that does not affect the meaning of the sentence.

Subsection 3190(l)(4) is amended to replace the word “will” with “shall”. This change is necessary to provide clarity. The use of shall more clearly conveys that religious items within the Religious Personal Property Matrix shall only be purchased via departmentally approved vendors. The “-“ is replaced with a space in “departmentally approved” for grammar. “Will” is replaced with “shall”. This change is necessary to provide clarity. The use of shall more clearly conveys that religious property vendors shall only be approved by the Statewide Religious Review Committee, and remains consistent with verbiage utilized throughout these regulations.

Subsection 3190(l)(5) is unchanged.

Subsection 3190(l)(6) is amended to replace “/” with “,” for grammar. This is a non-substantive change. The phrase “qualifying privilege group and/or security level/institution mission” is replaced with “section 3190”. This change is necessary for consistency, grammar, and the property schedules affecting all incarcerated person personal property are reflected in section 3190.

Subsection 3190(l)(7) is repealed.

Subsection 3190(l)(8) is renumbered to 3190(l)(7) and amended to add the text “through (b)(5)”, to correctly reference all the sections containing authorized property schedules.

Subsections 3190(m) through (u) remain unchanged.

Subsection 3190(v) is amended to identify that incarcerated persons in segregated housing units shall be afforded the opportunity to choose which publications they want to maintain in their assigned living quarters, and the publications that shall be stored as excess property. This is necessary, because incarcerated persons in segregated housing units are authorized to possess a limited number of publications within their living areas, and the rest are kept in storage. This language is also consistent with the terms of the PLN settlement agreement.

Subsection 3190(w) remains unchanged.

Section 3190 NOTE: is amended to add the proper reference citing the correct settlement agreement *Prison Legal News v. Schwarzenegger Settlement Agreement*, No. Civ-07-02058 CW

The CDCR Form 1819 (Rev. 01/16) Notification of Disapproval - Mail/Packages/Publication is repealed.

The CDCR Form 1819 (Rev. 07/18) Notification of Disapproval for Mail/Packages/Publications is repealed.

The CDCR Form 1819 – Notification of Disapproval – Mail/Packages/Publications (Rev. 02/23) is adopted to better capture each step of the disapproval process, specifically “Initial Review”, “Captain Review”, and “Final Decision” fields are incorporated to document staff actions throughout the entire disapproval process. Instructions are provided so an incarcerated person understands how to challenge a final decision in accordance with section 3481 of these regulations. Instructions are updated to detail the separate distribution copies for mail and packages versus publications. Finally, the form has been revised for ADA compliance and can be completed by staff electronically. All of these updates ensure enhanced record keeping and assist

incarcerated persons, as well as staff in understanding the process for the disapproval of mail, packages, and publications.

Revisions to CDCR Form 1819, Notification of Disapproval for Mail/packages/Publications:

After further review, the department determined that additional revisions to the CDCR Form 1819 were necessary for clarity and corrective purposes. The revision date on the CDCR Form 1819 is revised to “(Rev. 02/24)”. Revisions to the CDCR Form 1819 are as follows:

In the “CAPTAIN REVIEW” section of the form, the word “TEMPORARILY” has been added to clarify that the Captain may only temporarily disapprove items that are not in clear violation of policy and require a decision by the Warden or designee. This temporary disapproval also applies to all publications, which shall be forwarded to the Division of Adult Institutions for a final decision.

In the “Distribution (A)” section of the form, a comma was added after the word “(original)” in number 1. for grammatical purposes. A comma was added after the word “(original)” in number 2. for grammatical purposes. The text “, then provides final decision or” is added in number 2. to specify that Captains can make final decisions for mail and package items that are in clear violation of policy.

In the “Distribution (B)” section of the form, a comma was added after the word “(original)” in number 1. for grammatical purposes. A comma was added after the word “(original)” in number 2. for grammatical purposes. The text, “Headquarters, or” was added to number 2. to clarify that publications which have been temporarily disapproved by the Captain shall be forwarded to the Division of Adult Institutions (headquarters) for a final decision or to the Warden or designee if the Captain cannot clearly determine if the item in question violates policy. The word “calendar” has been added in number 3. to clarify that the Division of Adult Institutions shall render a final decision on an item in question within 30 calendar days.

Revisions to CDCR Form 1819, Notification of Disapproval for Mail/packages/Publications:

The term “inmate” has been removed and replaced with the term “incarcerated person” or “IP” throughout the form as this language has been adopted per OAL matter 2024-0521-02 on July 1, 2024.

In the “DISAPPROVED/ IP’S RESPONSE” section and in the instructional section beneath it, the terms “DESTROY – DESTROYED” have been replaced with “DISPOSE – DISPOSED”. This change is necessary to reflect the language in section 3137 and subsection 3191(c) of these regulations surrounding the disposition of items.