

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3040.5
Amend sections: 3000, 3375.2
Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION

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

OAL Matter Number: 2025-0821-02

OAL Matter Type: Emergency Operational
Necessity (EON)

This action by the California Department of Corrections and Rehabilitation ("CDCR") is submitted to OAL as an emergency based on operational necessity pursuant to Penal Code section 5058.3. CDCR proposes adopting a Youth Offender Fire Camp Program and a Certified Youth Offender Program Peer Mentor, and the requirements for both.

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

This emergency regulatory action is effective on 9/9/2025 and will expire on 2/17/2026. The Certificate of Compliance for this action is due no later than 2/16/2026.

Date: September 9, 2025



Jenifer Ryan
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Jeffrey Macomber, Secretary
Copy: Renee Rodriguez

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2025-0821-02	EMERGENCY NUMBER EON
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Department of Corrections and Rehabilitation		PER AGENCY REQUEST JR	
		AGENCY FILE NUMBER (if any) 25-30	

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

SEP 09 2025

1:46 PM


A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Youth Offender Fire Camp Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) TITLE(S) 15		ADOPT 3040.5 AMEND 3000 and 3375.2 REPEAL JR	
3. TYPE OF FILING <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input checked="" type="checkbox"/> Other (Specify) PC 5058.3 Operational Necessity			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Renee Rodriguez		TELEPHONE NUMBER (279) 223-2319	FAX NUMBER (Optional)
		E-MAIL ADDRESS (Optional) Renee.Rodriguez@cdcr.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

Signed by: SIGNATURE OF AGENCY HEAD OR DESIGNEE Jeffrey Macomber		DATE 8/13/2025
TYPED NAME AND TITLE OF SIGNATORY Jeff Macomber, Secretary		

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 09 2025

Office of Administrative Law

TEXT OF PROPOSED EMERGENCY REGULATIONS

In the following text, ~~strikethrough~~ indicates deleted text, and an underline indicates newly added text.

California Code of Regulations, Title 15, Crime Prevention and Corrections.

Division 3. Adult Institutions, Programs, and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions

Section 3000 is amended to alphabetically merge the definitions below into existing definitions in the Title 15, Division 3 regulations

*

*

Certification means documentary evidence that a business concern has been certified as a Disabled Veteran Business Enterprise pursuant to Military and Veterans Code section 999 from an agency that has been authorized by law to issue such certification.

Certified Youth Offender Program Peer Mentor is an incarcerated person 26 years of age or older who completed the Certified Peer Mentor curriculum and 500 hours of direct mentorship training in social behavior, emotional intelligence and self-regulation, positive decision-making, and rehabilitation through sustained relationships.

Chaplain is a staff member, including a Native American Spiritual Leader, who provides religious care and counseling to incarcerated persons, affords incarcerated persons reasonable opportunities to practice the religious beliefs of their choice, and organizes, coordinates, and manages various religious group activities.

*

*

Youth Offender Committee means a committee that meets with youth offenders to assess their readiness for a lower security level or placement permitting increased access to programs and to encourage the youth offender to commit to positive change and self-improvement.

Youth Offender Fire Camp Program (YOFCP) is a Youth Offender Program, as defined in section 3000. The YOFCP is a voluntary program established at designated conservation camps designed to train and employ youth offender participants in wildland firefighting and fire activity support roles.

Youth Offender Program means a program designed to provide youth offenders priority when placed into education assignments, program assignments, or both to address their rehabilitative needs.

*

NOTE: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 3411, 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 2905, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 6250, 6250.5, 6258.1, 7000 et seq., 7286.5, 11180 and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; *Madrid v. Cate* (USDC ND Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, No. C 14-02726 JST.

Article 3. Work and Education

New section 3040.5 is adopted to read:

3040.5 Youth Offender Fire Camp Program.

(a) Youth Offender Fire Camp Program (YOFCP)

(1) The YOFCP is a voluntary program for youth offenders (YO) under 26 years of age who meet the following criteria:

(A) A placement score of 19-35 (Level II) and a Violence (VIO) Administrative Determinant (AD).

(B) A placement score of 36-59 (Level III), with or without a VIO AD.

(2) The Secretary of the California Department of Corrections and Rehabilitation (CDCR) shall determine the locations of the youth offender fire camps. Locations shall be based on the ease and ability of the camp to provide youth offender participants access to rehabilitative programs.

(b) Youth Offender Fire Camp Program Criteria

(1) The Youth Offender shall meet the following criteria:

(A) Voluntarily agree to participate in the YOFCP.

(B) The YO shall be under 26 years of age at the time of the Unit Classification Committee (UCC) review.

(C) Eight years or less remaining to serve on their sentence.

(D) A placement score of 59 or below.

(E) Have a minimum of 12-months of incarceration history or a cumulative history of housing in the Youth Offender Rehabilitative Community (YORC), or Non-Designated Programming Facility (NDPF), or Youth Offender Program (YOP). Placement in the Restrictive Housing Unit for non-disciplinary reasons, shall count towards the 12-month cumulative history.

(F) Possess a High School Diploma (HSD) or High School Equivalency (HSE) certificate. If the YO does not possess an HSD or HSE certificate, participation in an HSD or General Education Development course while serving in the YOFCP is mandatory.

(c) Youth Offender Fire Camp Program Exclusionary Factors

(1) The YO shall not be approved to participate in the YOFCP if any of the following factors

exist:

(A) Age 26 or older at the time of the UCC review.

(B) Placement score of 60 or above.

(C) More than 8 years remaining to serve on their sentence at the time of UCC.

(D) Serving a sentence of life with or without the possibility of parole or a condemned sentence.

(E) A guilty finding, pending or postponed Serious Rule Violation Report for a Division A1, A2 or B offense within the past 12 months of the UCC review.

(F) Deemed a program failure, as defined in section 3000, and placed on Work Group (WG) C by a classification committee within the past 12 months of the UCC review.

(G) History of escape or attempted escape as defined in section 3000, from any correctional facilities, including non-secure correctional facilities.

(H) AD or pending AD review pursuant to subsections 3375.2(b)(2), (b)(7), (b)(9), (b)(11), (b)(12), (b)(13), (b)(17), (b)(21), or (b)(22).

(d) Youth Offender Fire Camp Program Classification Committee Process

(1) During the YO annual UCC, the UCC shall determine whether the YO meets YOFCP placement pursuant to subsections 3040.5(b) and 3040.5(c). UCC's YOFCP determination shall be articulated within UCC's Classification Committee Chrono. If determined eligible for YOFCP, UCC shall refer the YO to a Classification Staff Representative (CSR) for endorsement to a designated YOFCP pursuant to subsection 3040.5(a)(2) and request the AGE AD pursuant to subsection 3375.2(b)(1).

(2) Upon being transferred to a designated YOFCP, the YO shall be reviewed by Institution Classification Committee (ICC) for YOFCP placement pursuant to subsections 3040.5(b) and 3040.5(c). If deemed eligible for YOFCP placement, ICC shall grant the YO minimum custody and refer the YO to the institutional Classification and Parole Representative (C&PR) for a CAM AD pursuant to subsection 3375.2(b)(4). ICC's YOFCP determination shall be articulated within ICC's CDC Form 128-G Classification Committee Chrono (Rev.10/89), which is incorporated by reference.

(3) If the YO has an imposed VIO AD pursuant to subsection 3375.2(b)(28), the circumstances of the convicted offense that resulted in the VIO AD shall be reviewed by both UCC and ICC, to determine whether the circumstances of the offense that resulted in the VIO AD are commensurate with a minimum supervised custodial setting. In reviewing the circumstances, the classification committee shall take into consideration:

(A) Extent of any injury to the victim(s).

(B) Safety of the public, staff, and incarcerated persons if housed in a minimum supervised custodial setting.

(e) Youth Offender Fire Camp Program Placement

(1) Upon being granted minimum custody by the ICC the YO shall successfully complete the requisite physical fitness training and firefighting training, pursuant to subsections 3044(b)(7)(A) and 3044(b)(7)(B).

(2) Upon successful completion of the requisite physical fitness and firefighting training, the YO shall be assigned to YOFCP and WG F Good Conduct Credit pursuant to subsections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A) through 3043.2(b)(5)(D).

(3) Notwithstanding subsection 3375.2(b)(28)(J)(8.), the YO with a VIO AD shall have their VIO AD automatically removed after the YO has reached 26 years of age with a minimum cumulative period of twelve months assigned to YOFCP and WG F, and during the YO's annual UCC.

(f) Youth Offender Fire Camp Program Removal

(1) The YO shall be removed from the program if any of the following factors exist:

- (A) The YO no longer wants or fails to participate in the YOFCP.
- (B) The YO has a placement score of 60 or above.
- (C) The YO has a guilty finding, pending or postponed Serious Rule Violation Report for a Division A1, A2 or B offense.
- (D) When a classification committee determines the YO is a program failure, as defined in section 3000, and is placed on WG C.
- (E) When a classification committee determines the YO is assigned to another WG pursuant to subsection 3044(b)(7)(C).
- (2) If the YO is removed from the YOFCP pursuant to (A)-(E) of this subsection, the YO shall be re-assigned to appropriate custody, WG, and housing commensurate with placement score and case factor(s).

(g) Certified Youth Offender Program Peer Mentor

- (1) The incarcerated person shall complete the following to become a Certified Youth Offender Program Peer Mentor (CYOPPM):
 - (A) Peer mentor curriculum, as assigned by Every Student Succeeds Act teacher, or designee.
 - (B) Completion of a 500-hour peer mentorship training in social behavior, emotional intelligence and self-regulation, positive decision-making, and rehabilitation through sustained relationships.
- (2) A YO 25 years of age or older may participate in the CYOPPM curriculum and mentorship.

(h) Certified Youth Offender Program Peer Mentor Youth Offender Fire Camp Program Additional Criteria

- (1) The CYOPPM shall complete the following criteria in addition to the mandatory requirements in section 3040.5(g):
 - (A) Volunteer for YOFCP.
 - (B) Age 26 or older at the time of the UCC.
 - (C) Placement score of 35 or below, with a VIO AD.
 - (D) Eight or less years remaining to serve on their sentence.
 - (E) Have a minimum of 12-months of incarceration history or a cumulative history of housing in the YORC, or NDPF, or YOP, or YOFCP. Placement in the Restrictive Housing Unit for Non-disciplinary reasons shall count towards the 12-month cumulative history.

(i) Certified Youth Offender Program Peer Mentor Youth Offender Fire Camp Program Exclusionary Criteria

- (1) The CYOPPM shall not participate in the YOFCP if any of the following factors exist:
 - (A) Under age 26 at the time of the UCC review.
 - (B) Placement score of 36 or above.
 - (C) Serving a sentence of life with or without the possibility of parole or a condemned sentence.
 - (D) A guilty finding, pending or postponed Serious Rule Violation Report for a Division A1, A2 or B offense in the past 12 months of the UCC.
 - (E) Deemed a program failure, as defined in section 3000, and placed on WG C by a classification committee in the past 12 months of the UCC.
 - (F) A history of escape or attempted escape as defined in section 3000, from any correctional facilities, including non-secure correctional facilities.
 - (G) AD or pending AD review pursuant to subsections 3375.2(b)(2), (b)(7), (b)(9), (b)(11), (b)(12), (b)(13), (b)(17), (b)(21), or (b)(22).

(j) Certified Youth Offender Program Peer Mentor Youth Offender Classification Committee

- (1) During the CYOPPM's annual UCC, the UCC shall determine whether the CYOPPM meets

YOFCP placement pursuant to subsections 3040.5(h) and 3040.5(i). UCC's YOFCP determination shall be articulated within UCC's Classification Committee Chrono. If determined eligible for YOFCP, UCC shall refer the CYOPPM to a CSR for endorsement to a designated YOFCP and request the YOC AD pursuant to subsection 3375.2(b)(31).

(2) Upon being transferred to a designated institution, the CYOPPM shall be reviewed by ICC for YOFCP placement pursuant to subsection 3040.5(h) and 3040.5(i). If deemed eligible for YOFCP placement, ICC shall grant the CYOPPM minimum custody and refer the CYOPPM to the institutional Classification and Parole Representative (C&PR) for a CAM AD pursuant to subsection 3375.2(b)(4). ICC's YOFCP determination shall be articulated within ICC's Classification Committee Chrono.

(3) If the CYOPPM has an imposed VIO AD pursuant to subsection 3375.2(b)(28), the circumstance of the convicted offense that resulted in the VIO AD shall be reviewed by both UCC and ICC, to determine whether the circumstances of the offense that resulted in the VIO AD are commensurate with a minimum supervised custodial setting. In reviewing the circumstances, the classification committee shall take into consideration:

(A) Extent of any injury to the victim(s)

(B) Safety of the public, staff, and incarcerated persons if housed in a minimum supervised custodial setting.

(k) Certified Youth Offender Program Peer Mentor Youth Offender Fire Camp Program Placement

(1) Upon being granted Minimum Custody by the ICC the CYOPPM shall successfully complete the requisite physical fitness training and firefighting training, pursuant to subsections 3044(b)(7)(A) and 3044(b)(7)(B).

(2) The CYOPPM may also participate at YOFCP as a non-firefighter pursuant to subsection 3044(b)(7)(B).

(3) Upon successful completion of the requisite physical fitness and firefighting training, the CYOPPM shall be assigned to YOFCP and WG F Good Conduct Credit pursuant to subsections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A) through 3043.2(b)(5)(D).

(l) Certified Youth Offender Program Peer Mentor Youth Offender Fire Camp Program Removal

(1) The CYOPPM shall be removed from the program if any of the following factors exist:

(A) No longer wants or fails to participate in the YOFCP.

(B) A placement score of 36 or above.

(C) A guilty finding, pending or postponed Serious Rule Violation Report for a Division A1, A2 or B offense.

(D) When a classification committee determines the certified CYOPPM is a program failure, as defined in section 3000, and is placed on WG C.

(E) When a classification committee determines the CYOPPM is assigned to another work group pursuant to subsection 3044(b)(7)(C).

(2) If the CYOPPM is removed from the YOFCP pursuant to (A)-(E) of this subsection, the CYOPPM shall be re-assigned to an appropriate custody, WG, and housing commensurate with placement score and case factor(s).

Note: Authority cited: Sections 2905 and 5058.3, Penal Code. Reference: Section 5054, Penal Code.

Article 10. Classification

Section 3375.2 Administrative Determinants

Subsections 3375.2(a) through 3375.2 (b)(30) remain unchanged.

Subsection 3375.2(b)(31) is adopted to read:

(31) YOC. Incarcerated person who has fulfilled the requirements of Certified Youth Offender Program Peer Mentor as defined in section 3000.

Note: Authority cited: Sections 3600, 5058 and 5058.3, Penal Code. Reference: Sections 3450, 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Wright v. Enomoto* (N.D. Cal. 1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302.

STATE OF CALIFORNIA		CDC-128-G (10/89)	CLASSIFICATION CHRONO	DEPARTMENT OF CORRECTIONS
CDC NUMBER	NAME	CLASSIFICATION SCORE	TYPE AND RELEASE DATE	
CUSTODY	ASSIGNMENT	WG/PG	NEXT CLASSIFICATION	
OTHER COMMITTEE ACTIONS:		HOUSING	RECOMMENDATION TO CSR:	
COMMENTS:				

INSTITUTION	CLASSIFICATION	DATE	SIGNATURE
-------------	----------------	------	-----------

STATE OF CALIFORNIA		CDC-128-G (10/89)	CLASSIFICATION CHRONO	DEPARTMENT OF CORRECTIONS
CDC NUMBER	NAME	CLASSIFICATION SCORE	TYPE AND RELEASE DATE	
CUSTODY	ASSIGNMENT	WG/PG	NEXT CLASSIFICATION	
OTHER COMMITTEE ACTIONS:		HOUSING	RECOMMENDATION TO CSR:	
COMMENTS:				

INSTITUTION	CLASSIFICATION	DATE	SIGNATURE
-------------	----------------	------	-----------