

REGULATION AND POLICY MANAGEMENT BRANCH

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



March 20, 2026

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 bereavement leave for incarcerated persons.

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

Notice of Change to Regulations 26-01 was published in the Office of Administrative Law Regulatory Notice Register on January 23, 2026. The department has determined that changes to the proposed regulations are necessary.

Amendments to the proposed text originally noticed to the public are indicated by **bold double underline** for newly added text and ~~**bold double strikethrough**~~ for text deleted from the original proposed text. The single underline and ~~strikethrough~~ formatting from the original proposed text noticed to the public 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 **bold double underline** or ~~**bold double strikethrough**~~ will be considered.

The attached regulation text contains the following changes:

Section 3000. Definitions.

The definition of the term Incarcerated Person Bereavement Leave is amended for better clarity only. As currently written, the definition could be read to state that incarcerated persons receive paid time off for both work and educational programs. In fact, incarcerated persons will only be paid if bereavement leave causes them to miss a paid work assignment. They do not receive pay for participation in educational programs and therefore will not receive pay if they miss such programs due to the use of bereavement leave.

3045.4. Incarcerated Person Bereavement Leave.

Subsection 3045.4(a)(2)(A) is amended to change the revision date of the CDCR Form 340, which is incorporated by reference.

Forms Incorporated by Reference

The CDCR Form 340, Death Notification, incorporated by reference in the proposed regulations, has been amended. The amendments alter the instructions to the staff completing the form. Previously, staff on different shifts were given different instructions. The department determined that this is not necessary. The amended form provides a single set of instructions for all staff. These amendments are not substantive and do not alter the meaning or effect of this form.

Contact Person

Inquiries regarding this notice should be directed to Joshua Jugum, Regulation and Policy Management Branch, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (279) 223-2317, or e-mail at RPMB@cdcr.ca.gov. In the event the contact person is unavailable, inquiries should be directed to Ying Sun, Associate Director, RPMB, at (279) 223-2316.

Submission of Public Comments

Please submit comments by e-mail to RPMB@cdcr.ca.gov; in writing to Joshua Jugum, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001, before the close of the public comment period. The comment period for these revisions will close on **April 6, 2026**. Comments must be received or postmarked no later than this date. Only those comments relating directly to the enclosed amendments indicated by **bold double underline** or ~~**bold double strikethrough**~~ will be considered.



YING SUN, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachments

TEXT OF PROPOSED REGULATIONS - RENOTICE

In the following text, **bold double underline** indicates language newly adopted and ~~**bold double strikethrough**~~ indicates language newly deleted since the proposed text originally noticed to the public as part of Notice of Change to Regulations (NCR) 26-01. The original underline and ~~strikethrough~~ formatting used with NCR 26-01 has been retained.

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

Section 3000. Definitions

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Incarcerated Person Bereavement Leave means a benefit that provides incarcerated persons with paid and approved time off from assigned work, ~~and excused time off from~~ and educational programs, to grieve the loss of an immediate family member.

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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, 2710, 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 3.5 Incarcerated Person Work Timekeeping

New section 3045.4 is adopted.

3045.4 Incarcerated Person Bereavement Leave

(a) An incarcerated person shall be allowed relief from prison employment after the death of an immediate family member, as defined in section 3000, of the incarcerated person.

(1) If the incarcerated person is enrolled in an educational program instead of, or in addition to, being employed, the incarcerated person shall additionally be allowed relief from the educational program.

(2) The incarcerated person shall request relief from the warden or their designee, and shall provide notification of the death of an immediate family member to support the request.

(A) A CDCR Form 340, Death Notification ~~(01/25)~~ (Rev. 02/26), or Offender Standard Form in SOMS "Death Notification" (01/25), both of which are incorporated by reference, shall be initiated and routed to the assigned Correctional Counselor.

(B) Excused Time Off (ETO) shall be granted immediately, pursuant to section 3045.2.

(3) Upon receiving the request and substantiation, the warden or their designee shall approve or deny within two business days.

(b) The incarcerated person shall be paid their regular compensation for the hours and days the individual is scheduled to work during the period of relief.

(c) The relief shall not exceed three days for any one occurrence and must be used within three months of the date of death.

(d) Excluding exigent circumstances, incarcerated persons on bereavement leave shall continue to have access to medical and mental health services.

(e) The warden or designee shall grant the relief from employment pursuant to this section unless the incarcerated person is employed in a position requiring emergency response including, but not limited to a firefighter, and there is an exigent circumstance requiring their employment during the period requested by the incarcerated person. If the warden or designee denies the relief, the relief shall be granted as soon as practicable after the exigent circumstance has ended.

(f) A warden or designee shall not discipline, retaliate, refuse to hire, unassign, demote, reduce pay, suspend, expel, or discriminate against an individual as a result of either of the following:

(1) An individual's exercise of the right to relief from employment pursuant to subsection (a).

(2) An individual's request for relief from employment or provision of substantiation to support the request pursuant to subsection (a).

(g) This section does not authorize an incarcerated person to leave the prison facility.

(h) This section does not authorize the department to deny an incarcerated person access to other regularly scheduled activities, including, but not limited to, recreation, meals, group sessions, or counseling.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2710 and 5054, Penal Code.

ADOPT

DEATH NOTIFICATION

Instructions for staff: Complete the form with relevant information. Have the incarcerated person report to the assigned counselor's office. Provide the incarcerated person with a phone call. Following the phone call offer the incarcerated person mental health and Chaplain services.

Incarcerated person: _____	CDCR# _____	Housing: _____
Incarcerated Person Notified Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, Time: _____	Date: _____

Information received by: _____	Date and Time received: _____
Person providing the information: _____	The Deceased: _____
Relationship to the Incarcerated Person: _____	Relationship to the Incarcerated Person: _____
Phone Number: _____	Nature of Death: _____
Phone Number where death can be verified: _____	Time of Death: _____
(i.e. Hospital, Mortuary, Coroner's Office, etc)	Date of Death: _____
Name of location contacted: _____	
Name of person contacted: _____	

Chaplain services offered: Yes No

Mental Health Services offered: Yes No

Comments:

Warden/Designee:

Approved **Delayed**

CC: Records (original)
Correctional Counselor I
Chaplain
Mental Health Services

REPEAL

DEATH NOTIFICATION

First and Third Watch Instructions for Staff: Notify a Chaplain. The Chaplain will contact the incarcerated person at the earliest opportunity. Ensure the appropriate staff are available to provide services prior to contacting the incarcerated person. Allow the Chaplain to make the initial report to the incarcerated person. Information regarding a death of an incarcerated person's family member should be handled with discretion. The Chaplain shall contact and coordinate with the incarcerated person's assigned Correctional Counselor.

Second Watch Instructions for Staff: Complete the form with relevant information. Have the incarcerated person report to the assigned counselor's office. Provide the incarcerated person with a phone call. Following the phone call offer the incarcerated person mental health and Chaplain services.

Incarcerated Person: _____	CDCR# _____	Housing: _____
Incarcerated Person Notified <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Time: _____	Date: _____

Information Received by: _____	Date and Time Received: _____
Person Providing the Information: _____	The Deceased: _____
Relationship to the Incarcerated Person: _____	Relationship to the Incarcerated Person: _____
Phone Number: _____	Nature of Death: _____
Phone Number where Death can be Verified: _____	Time of Death: _____
(i.e. Hospital, Mortuary, Coroner's Office, etc.)	Date of Death: _____
Name of Location Contacted: _____	
Name of Person Contacted: _____	

Chaplain Services Offered: Yes No

Mental Health Services Offered: Yes No

Comments:

Warden/Designee: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Delayed
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