



## OFFICE OF THE GOVERNOR

January 6, 2005

Diane F. Boyer-Vine, Esq.  
Legislative Counsel of California  
State Capitol, Room 3021  
Sacramento, CA 95814

Dear Ms. Boyer-Vine:

This letter transmits the accompanying Governor's Reorganization Plan Number 1 (GRP 1) and Governor's Reorganization Plan Number 2 (GRP 2), which are hereby submitted to your offices pursuant to the Executive Reorganization Law (Government Code § 12080 et seq.).

The GRP 1 eliminates several boards and commissions in state government. Some are abolished outright, and in other cases, duties, responsibilities and functions are transferred to another entity in state government. The GRP 2 reorganizes the Youth and Adult Correctional Agency and related entities, creating a Department of Corrections and Rehabilitation.

Consistent with Government Code § 8523 (b), these plans are presented to Legislative Counsel in order that they may be submitted to the Legislature in the form and language suitable for enactment in the statutes at large, prior to transmittal of the plans to the Commission on California State Government Organization and Economy.

Should you have any general questions, please feel free to contact me. For specific questions regarding these proposals, please contact Jennifer Shaffer 916-358-2438, or Paul Donahue at 916-220-3114.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Costigan", with a long horizontal flourish extending to the right.

RICHARD COSTIGAN  
Secretary for Legislative Affairs

GRP 2 of 2005  
All Codes Version (Updated 1/05/05)

Government Code

11552. Effective January 1, 1988, an annual salary of eighty-five thousand four hundred two dollars (\$85,402) shall be paid to each of the following:

- (a) Commissioner of Financial Institutions.
- (b) Commissioner of Corporations.
- (c) Insurance Commissioner.
- (d) Director of Transportation.
- (e) Real Estate Commissioner.
- (f) Director of Social Services.
- (g) Director of Water Resources.
- (h) ~~Director of Corrections~~ Chief administrative officer of the Department of Corrections and Rehabilitation, Division of Adult Operations.
- (i) Director of General Services.
- (j) Director of Motor Vehicles.
- (k) ~~Director of the Youth Authority~~ Chief administrative officer of Department of Corrections and Rehabilitation, Division of Youth Operations.
- (l) Executive Officer of the Franchise Tax Board.
- (m) Director of Employment Development.
- (n) Director of Alcoholic Beverage Control.
- (o) Director of Housing and Community Development.
- (p) Director of Alcohol and Drug Abuse.
- (q) Director of the Office of Statewide Health Planning and Development.
- (r) Director of the Department of Personnel Administration.
- (s) Chairperson and Member of the Board of Equalization.
- (t) Secretary of Technology, Trade, and Commerce.
- (u) State Director of Health Services.
- (v) Director of Mental Health.
- (w) Director of Developmental Services.
- (x) State Public Defender.
- (y) Director of the California State Lottery.
- (z) Director of Fish and Game.
- (aa) Director of Parks and Recreation.
- (ab) Director of Rehabilitation.
- (ac) Director of Veterans Affairs.
- (ad) Director of Consumer Affairs.
- (ae) Director of Forestry and Fire Protection.
- (af) The Inspector General pursuant to Section 6125 of the Penal Code.

(ag) Director of Child Support Services.

(ah) Director of Industrial Relations.

The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

~~11560. Effective January 1, 1988, an annual salary of thirty-four thousand five hundred thirty-seven dollars (\$34,537) shall be paid to the Chairperson of the Narcotic Addict Evaluation Authority. The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.~~

~~11563.1. Effective January 1, 1988, an annual salary of thirty thousand one hundred forty-one dollars (\$30,141) shall be paid to each member of the Narcotic Addict Evaluation Authority. The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.~~

~~12811. The Youth and Adult Correctional Agency consists of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, the Board of Corrections, and the Narcotic Addict Evaluation Authority.~~

~~12811.1. The Governor, upon recommendation of the Secretary of the Youth and Adult Agency Department of Corrections and Rehabilitation, may appoint not to exceed two deputies subordinate officers for the secretary under this section.~~

*Article 14 (commencing with section 12838) is added to Chapter 1, Part 2.5, Division 3, Title 2 of the Government Code.*

12838. Effective July 1, 2005, there is hereby created in state government the Department of Corrections and Rehabilitation, to be headed by a Secretary, who shall be appointed by, and hold office at the pleasure of, the Governor, subject to Senate confirmation. The Department of Corrections and Rehabilitation shall consist of the Division of Youth Operations, the Division of Adult Operations, the Corrections Standards Authority, and the Board of Parole Hearings.

12838.1 There is hereby created within the Department of Corrections and Rehabilitation the following divisions:

(a) The Division of Youth Operations, and;

(b) The Division of Adult Operations.

Each division shall be headed by a subordinate officer to the secretary, who shall, upon recommendation of the secretary, be appointed by the Governor, and hold office at the pleasure of the Governor, subject to Senate confirmation.

12838.2. The Board of Parole Hearings is hereby created. The Board of Parole Hearings shall be comprised of 17 commissioners, who shall be appointed by the Governor, subject to Senate confirmation, for 3-year terms. The Board of Parole Hearings hereby succeeds to, and is vested with, all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the following Agency, Boards, Departments, and Commissions which, effective July 1, 2005, shall no longer exist:

- (a) Board of Prison Terms;
- (b) Narcotic Addict Evaluation Authority, and ;
- (c) Youth Authority Board.

For purposes of this article, the above entities shall be known as predecessor entities.

12838.3. The Department of Corrections and Rehabilitation hereby succeeds to, and is vested with, all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the following Agency, Boards, Departments, and Commissions which effective July 1, 2005, shall no longer exist:

- (d) Youth and Adult Correctional Agency;
- (e) Department of Corrections;
- (f) Department of the Youth Authority;
- (g) Commission on Correctional Peace Officer Standards and Training;
- (h) Board of Corrections;
- (i) State Commission on Juvenile Justice, Crime and Delinquency Prevention.

For purposes of this article, the above entities shall be known as predecessor entities.

12838.4. The following entities shall, effective July 1, 2005, be organized within the Department of Corrections and Rehabilitation and shall retain existing functions, powers, responsibilities and jurisdiction:

- a) Council on Mentally Ill Offenders;
- b) Prison Industry Authority
- c) Prison Industry Authority Board;
- d) California Council for Interstate Adult Offender Supervision, and;
- e) Joint Venture Policy Advisory Board.

For purposes of this article, these shall be known as continuing entities.

12838.5. (a) The Secretary of the Department of Corrections and Rehabilitation shall serve as the Chief Executive Officer of the Department of Corrections and Rehabilitation and shall have all of the powers and authority which are conferred upon a head of a state department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Without limiting any other powers or duties, the secretary shall assure compliance with the terms of any state plan, memorandums of understanding, administrative order, interagency agreements, assurances, single state agency obligations, federal statute and

regulations, and any other form of agreement or obligation that vital government activities rely upon or are a condition to the continued receipt by the department of state or federal funds or services. This includes, but is not limited to the designation, appointment, and provision of individuals, groups, and resources to fulfill specific obligations of any agency, board or department that is abolished pursuant to sections 12838.2 and 12838.3.

12838.6. All regulations adopted by the predecessor entities, continuing entities and any of their predecessors are expressly continued in force. Any statute, law, rule, or regulation now in force, or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the Department of Corrections and Rehabilitation. Any action concerning these duties, responsibilities, obligations, liabilities, and functions shall not abate but shall continue in the name of the Department of Corrections and Rehabilitation, and the Department of Corrections and Rehabilitation shall be substituted for the predecessor entities and continuing entities by the court wherein the action is pending. The substitution shall not in any way affect the rights of the parties to the action.

12838.7. No contract, lease, license, or any other agreement to which the predecessor entities, continuing entities and any of their predecessors are a party shall be void or voidable by reason of this act, but shall continue in full force and effect, with the Department of Corrections and Rehabilitation assuming all of the rights, obligations, and duties of the predecessor entities. That assumption by the Department of Corrections and Rehabilitation shall not in any way affect the rights of the parties to the contract, lease, license, or agreement.

Bonds issued by the predecessor entities, continuing entities and any of their predecessors on or before July 1, 2005, shall become the indebtedness of any newly created entity. Any on-going obligations or responsibilities of the predecessor entities, continuing entities and any of their predecessors for managing and maintaining bond issuances shall be transferred to the newly created entity without impairment to any security contained in the bond instrument.

12838.8. On and after July 1, 2005, the unencumbered balance of all money available for expenditure by the predecessor entities, continuing entities and any of their predecessors in carrying out any functions transferred to the Department of Corrections and Rehabilitation by this act shall be made available for the support and maintenance of the Department of Corrections and Rehabilitation. All books, documents, records, and property of the predecessor entities shall be transferred to the Department of Corrections and Rehabilitation.

12838.9. On and after July 1, 2005, positions filled by appointment by the Governor in the predecessor entities or continuing entities shall be transferred to the Department of Corrections and Rehabilitation. Individuals in positions transferred pursuant to this section shall serve at the pleasure of the Governor, unless as otherwise expressly stated. Titles of positions transferred pursuant to this section shall be determined by the

Secretary with the approval of the Governor. Salaries of positions transferred shall remain at the level established pursuant to law on June 30, 2005.

12838.10. Any officer or employee of the predecessor entities who is engaged in the performance of a function specified in this reorganization plan and who is serving in the state civil service, other than as a temporary employee, shall be transferred to the Department of Corrections and Rehabilitation pursuant to the provisions of Government Code Section 19050.9.

Any officer or employee of the continuing entities who is engaged in the performance of a function specified in this reorganization plan and who is serving in the state civil service, other than as a temporary employee, shall continue such status with the continuing entity pursuant to the provisions of Government Code Section 19050.9.

The status, position, and rights of any officer or employee of the predecessor entities shall not be affected by the transfer and shall be retained by the person as an officer or employee of the Department of Corrections and Rehabilitation, as the case may be, pursuant to the State Civil Service Act (Part 2 [commencing with Section 18500] of Division 5 of Title 2 of the Government Code), except as to a position that is exempt from civil service.

## Penal Code

~~2036. The Deuel Vocational Institution shall be an intermediate security type institution. Its primary purpose shall be to provide custody, care, industrial, vocational and other training, guidance and reformatory help for young men, too mature to be benefited by the programs of institutions under the jurisdiction of the Youth Authority and too immature in crime for confinement in prisons.~~

~~2038. The Director of Corrections shall make rules and regulations for the government of the Deuel Vocational Institution and the management of its affairs.~~

~~2043.3. The Director of Corrections shall make rules and regulations for the government of the California Correctional Center at Susanville and the management of its affairs.~~

~~2045.3. The Director of Corrections shall make rules and regulations for the government of said institution and the management of its affairs.~~

~~2046.3. The Director of Corrections shall make rules and regulations for the government of the said prison and the management of its affairs.~~

~~2048.3. The Director of Corrections shall make rules and regulations for the government of the California Correctional Institution at Tehachapi and the management of its affairs.~~

~~2048.7. Notwithstanding other provisions of the law, the Director of Corrections shall have the authority to modify the percentage of the inmate population of the Southern Maximum Security Complex to be employed by the Prison Industry Authority, or to participate in vocational training commensurate with security requirements in relation to the type of inmates housed therein, provided that the percentage of the inmate population to be employed by the Prison Industry Authority, or to participate in vocational training shall be no less than 60 percent of the inmates in the general population. Authority is also vested in the director to utilize up to 100 percent of the cells of the facility to house special cases. The director may also choose to double occupy each cell if system wide overcrowding demands that measure.~~

~~The Director of Corrections may implement the provisions of this section only if the encumbrance of those funds is authorized by the Department of Finance, not sooner than 30 days after notification in writing of the necessity therefore, to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee.~~

~~2400. Commencing July 1, 2005, any reference to the Department of Corrections - Parole and Community Services Division or "division" shall refer to the Department of Corrections and Rehabilitation. There is in the Department of Corrections, a division known as the Parole and Community Services Division.~~

~~2401.5. The head of the Parole and Community Services Division shall be appointed by the director pursuant to the State Civil Service Act.~~

~~2402. The director shall organize the division.~~

~~2403. The division shall perform such functions and duties as specified from time to time by the director.~~

~~2800. There Commencing July 1, 2005, there is hereby established within the Department of Corrections and Rehabilitation, the Prison Industry Authority. As used in this article "authority" means the Prison Industry Authority. Commencing July 1, 2005, any reference to the "Department of Corrections," shall refer to the Department of Corrections and Rehabilitation.~~

~~2802. The authority shall be under the policy direction of a board of directors to be known as the Prison Industry Board, and to be referred to hereafter as the board. Commencing July 1, 2005, there is hereby created within the Department of Corrections and Rehabilitation a Prison Industry Board. The board shall consist of eleven members: (a) The Director of Corrections Secretary of the Department of Corrections and Rehabilitation, or his or her designee, shall be a member. (b) The Director of the Department of General Services, or his or her designee, shall be a member. (c) The Secretary of the Trade and Commerce Agency, or his or her designee, shall be a member.~~

(d) The Speaker of the Assembly shall appoint two members to represent the general public. (e) The Senate Rules Committee shall appoint two members to represent the general public. (f) The Governor shall appoint four members. Of these, two shall be representatives of organized labor, and two shall be representatives of industry. The initial term of one of the members appointed by the Speaker of the Assembly shall be two years, and the initial term of the other shall be three years. The initial term of one of the members appointed by the Senate Rules Committee shall be two years, and the initial term of the other shall be three years. The initial terms of the four members appointed by the Governor shall be four years. All subsequent terms of all members shall be for four years. Each member's term shall continue until the appointment and qualification of his successor.

2803. The ~~Director of Corrections~~ Secretary of Corrections and Rehabilitation, or his or her designee, shall be the ~~chairman~~ chair person of the board. The ~~chairman~~ chair person shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. The board shall ~~meet regularly at least four times during each fiscal year, and shall hold extra meetings on the call of the chairman~~ chair person or a majority of the board. Six members of the board, including the ~~chairman~~ chair person, shall constitute a quorum. The vote of a majority of the members ~~in office~~ serving on the board is necessary for the transaction of the business of the board.

2804. The appointed members of the board shall receive a per diem to be determined by the ~~chairman~~ chair person, but not less than the usual per diem rate allowed to the Department of ~~Corrections~~ Corrections and Rehabilitation employees during travel out of state. All members, including the ~~chairman~~ chair person, shall also receive their actual and necessary expenses of travel incurred in attending meetings of the board and in making investigations, either as a board or individually as members of the board at the request of the ~~chairman~~ chair person. All the expenses shall be paid from the Prison Industries Revolving Fund.

2806. There is hereby constituted a permanent revolving fund in the sum of not less than seven hundred thirty thousand dollars (\$730,000), to be known as the Prison Industries Revolving Fund, and to be used to meet the expenses necessary in the purchasing of materials and equipment, salaries, construction and cost of administration of the prison industries program. The fund may also be used to refund deposits either erroneously made or made in cases where delivery of products cannot be consummated. The fund shall at all times contain the amount of at least seven hundred thirty thousand dollars (\$730,000), either in cash or in receivables, consisting of raw materials, finished or unfinished products, inventory at cost, equipment, or any combination of the above. Money received from the rendering of services or the sale of products in the prisons and institutions under the jurisdiction of the ~~board~~ Department of Corrections and Rehabilitation pursuant to this article shall be paid to the State Treasurer monthly and shall be credited to the fund. At any time that the ~~authority~~ Secretary of the Department of Corrections and Rehabilitation and the Director of Finance, or his or her successor, jointly determine that the balance in said revolving fund is greater than is necessary to

carry out the purposes of the authority, they shall so inform the Controller and request a transfer of the unneeded balance from the revolving fund to the General Fund of the State of California. The Controller is authorized to transfer balances upon request. Funds deposited in the revolving fund are not subject to annual appropriation by the Legislature and may be used without a time limit by the authority.

The Prison Industries Revolving Fund is not subject to the provisions of Articles 2 (commencing with Section 13320) and 3 (commencing with Section 13335) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

~~The revolving fund created by Section 2714 known as the Correctional Industries Revolving Fund is abolished, and the Controller shall transfer the balance in that revolving fund to the Prison Industries Revolving Fund.~~ Any major capital outlay project undertaken pursuant to this article by the authority, shall be subject to review by the Public Works Board pursuant to the provisions of Part 10.5 (commencing with Section 15752) of Division 3 of Title 2 of the Government Code.

2807. (a) The authority is hereby authorized and empowered to operate industrial, agricultural, and service enterprises which will provide products and services needed by the state, or any political subdivision thereof, or by the federal government, or any department, agency, or corporation thereof, or for any other public use. Products may be purchased by state agencies to be offered for sale to inmates of the department and to any other person under the care of the state who resides in state-operated institutional facilities. Fresh meat may be purchased by food service operations in state-owned facilities and sold for onsite consumption.

(b) All things authorized to be produced under subdivision (a) shall be purchased by the state, or any agency thereof, and may be purchased by any county, city, district, or political subdivision, or any agency thereof, or by any state agency to offer for sale to persons residing in state-operated institutions, at the prices fixed by the ~~board~~ Prison Industry Authority. State agencies shall make maximum utilization of these products, and shall consult with the staff of the authority develop new products and adapt existing products to meet their needs.

2808. (a) Commencing July 1, 2005, the Secretary of Corrections and Rehabilitation shall have the authority to contract for the services of a general manager to serve as the chief administrative officer of the Prison Industry Authority. Alternatively, the secretary may appoint a general manager to serve as the chief administrative officer of the Prison Industry Authority. The general manager shall either render services consistent with the terms of his or her contract or, if appointed, serve at the pleasure of the secretary. The general manager shall have wide and successful experience with a productive enterprise and have a demonstrated appreciation of the problems associated with prison management.

(b) ~~The board general manager employed pursuant to Section 2809 shall, in the exercise of its his or her duties under this article, have all the powers and do all the things which the board of directors of a private corporation would do, except as specifically limited in this article, including, but not limited to, have the authority to do the following:~~

~~(a)~~ (1) To enter into contracts and leases, execute leases, pledge the equipment, inventory and supplies under the control of the authority and the anticipated future receipts of any enterprise under the jurisdiction of the authority as collateral for loans, and execute other necessary instruments and documents.

~~(b)~~ (2) To assure that all funds received by the authority are kept in commercial accounts according to standard accounting practices.

~~(c)~~ (3) To arrange for an independent annual audit.

~~(d)~~ (4) To review ~~and approve~~ the annual budget for the authority, in order to assure that the solvency of the Prison Industries Revolving Fund is maintained.

~~(e) To contract to employ a general manager to serve as the chief administrative officer of the authority. The person so appointed shall serve at the pleasure of the chairman. The general manager shall have wide and successful experience with a productive enterprise and have a demonstrated appreciation of the problems associated with prison management.~~

~~(f)~~ (5) To apply for and administer grants ~~and contracts of all kinds~~ consistent with the purposes of the authority.

~~(g)~~ (6) To establish, notwithstanding any other provision of law, procedures governing the purchase of raw materials, component parts, and any other goods and services which may be needed by the authority or in the operation of any enterprise under its jurisdiction. Such procedures shall contain provisions for appeal to the board from any action taken in connection with them requesting any action taken in connection with the procedures to be discussed in a public forum before the Prison Industry Board. The board shall assure adequate public notice of such forums. The board shall issue a report with findings of fact and recommendations as a result of any public forum held pursuant to this subdivision.

~~(h)~~ (7) To establish, expand, diminish, or discontinue industrial, agricultural and service enterprises under ~~it's~~ the authority's jurisdiction to enable the ~~authority~~ it to operate as a self-supporting ~~organization~~ enterprise, to provide as much employment for inmates as is feasible, and to provide diversified work activities to minimize the impact on existing private industry in the state.

~~(i) To hold public hearings pursuant to paragraph (h) above to provide an opportunity for persons or organizations who may be affected to appear and present testimony concerning the plans and activities of the authority. The authority shall assure adequate public notice of such hearings. No new industrial, agricultural, or service enterprise which involves a gross annual production of more than fifty thousand dollars (\$50,000) shall be established unless and until a hearing concerning the enterprise has been held by a committee of persons designated by the board including at least two board members. The board shall take into consideration the effect of a proposed enterprise on California industry and shall not approve the establishment of the enterprise if the board determines it would have a comprehensive and substantial adverse impact on California industry which cannot be mitigated.~~

~~(j)~~ (8) To periodically determine the prices at which activities, supplies, and services shall be sold.

~~(k)~~ (9) To report to the Legislature in writing, on or before February 1 of each year, regarding:

(1) (A) The financial activity and condition of each enterprise under its jurisdiction.

(2) (B) The plans of the ~~board~~ general manager regarding any significant changes in

existing operations.

~~(3)~~ (C) The plans of the ~~board~~ general manager regarding the development of new enterprises.

~~(4)~~ (D) A breakdown, by institution, of the number of prisoners at each institution, working in enterprises under the jurisdiction of the authority, said number to indicate the number of prisoners which are not working full time.

(c) The Prison Industry Board shall hold public forums to provide an opportunity for persons or organizations who may be affected to appear and present testimony concerning the plans and activities of the general manager. The board shall assure adequate public notice of such forums. No new industrial, agricultural, or service enterprise which involves a gross annual production of more than fifty thousand dollars (\$50,000) shall be established unless and until a public forum concerning the enterprise has been held by a committee of persons designated by the board including at least two board members. The board shall take into consideration the effect of a proposed enterprise on California industry and shall issue a report detailing whether or not the establishment of the enterprise would have a comprehensive and substantial adverse impact on California industry which cannot be mitigated.

2809. ~~Notwithstanding~~ Commencing July 1, 2005, notwithstanding any other provision of law, the authority may recruit and employ such civilian staff as may be necessary to carry out the purposes of this article, and shall establish recruiting, testing, hiring, promotion, disciplinary, and dismissal procedures and practices which will meet the unique personnel needs of the authority. The practices may include incentives based on productivity, profit-sharing plans, or other criteria which will encourage civilian employee involvement in the productivity goals of the authority. The procedures and practices shall apply to all employees working in enterprises under the jurisdiction of the authority. The ~~Director of Corrections~~ general manager shall be the appointing authority for all personnel of the authority, other than the general manager.

2810. ~~The board~~ Commencing July 1, 2005, the general manager, with the approval of the Department of Finance, or its successor, may authorize the borrowing of money by the authority for purposes of:

- (a) Operating the business affairs of the authority.
- (b) Purchasing new equipment, materials and supplies.
- (c) Constructing new facilities, or repairing, remodeling, or demolishing old facilities.

Funds may be borrowed from private sources, upon such terms as the ~~board~~ Department of Finance, or its successor, deems appropriate, including but not limited to, the use of equipment under the jurisdiction of the authority, and of the future income of an enterprise under the jurisdiction of the authority-as collateral to secure any loan.

2810.5. Notwithstanding any other provision of law, commencing July 1, 2005, the Pooled Money Investment Board, or its successor, may grant loans to the authority when money is appropriated for that purpose by the Legislature, upon application-by the ~~Prison Industry Board~~ secretary, in order to finance the establishment of a new industrial, agricultural, or service enterprise. All loans shall bear the same interest rate as the pooled

money market investment rate and shall have a maximum repayment period of 20 years from the date of approval of the loan.

Prior to making its decision to grant a loan, the Pooled Money Investment Board, or its successor, shall require the authority to demonstrate all of the following:

- (a) The proposed industry project cannot be feasibly financed from private sources under Section 2810. The authority shall present proposed loan conditions from at least two private sources.
- (b) The proposed industry project cannot feasibly be financed from proceeds from other Prison Industry Authority enterprises.
- (c) The proceeds from the proposed project provide for a reasonable payback schedule to the General Fund.

2811. ~~The Board~~ Commencing July 1, 2005, the general manager shall adopt and maintain a compensation schedule for prisoner employees. Such compensation schedule shall be based on quantity and quality of work performed and shall be required for its performance, but in no event shall such compensation exceed one-half the minimum wage provided in Section 1182 of the Labor Code, except as otherwise provided in this code. This compensation shall be credited to the account of the prisoner. Such compensation shall be paid from the Prison Industries Revolving Fund.

2815. ~~The Authority~~ Commencing July 1, 2005, the authority may, under rules prescribed by the ~~board~~ Secretary of Corrections and Rehabilitation, dispose of products developed from the operations of industrial enterprises in prisons and institutions under the jurisdiction of the authority, by sale to foreign governments, corporations for distribution in foreign countries, and private persons or their agents in markets outside the United States and in countries which permit the importation of prison-made goods. All sales made pursuant to this section shall be reported to the Legislature in the ~~board's~~ general manager's annual report pursuant to Section 2808.

2816. With the approval of the Department of Finance, or its successor, there shall be transferred to, or deposited in, the Prison Industries Revolving Fund for purposes authorized by this section, money appropriated from any source including sources other than state appropriations.

Notwithstanding subdivision ~~(i)~~ (b) of Section 2808, commencing July 1, 2005, the chairman, in consultation with the board, the general manager, may order any authorized public works project involving construction, renovation, or repair of prison facilities to be performed by inmate labor when the total expenditure does not exceed the project limit established by Section 10108 of the Public Contract Code. Projects entailing expenditure of greater than the project limit established by Section 10108 of the Public Contract Code shall be reviewed and approved by the ~~board~~ Secretary of the Department of Corrections and Rehabilitation.

Money so transferred or deposited shall be available for expenditure by the department for the purposes for which appropriated, contributed or made available, without regard to

fiscal years and irrespective of the provisions of Sections 13340 and 16304 of the Government Code. Money transferred or deposited pursuant to this section shall be used only for purposes authorized in this section.

3041. (a) In the case of any prisoner sentenced pursuant to any provision of law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the ~~Board of Prison Terms~~ Board of Parole Hearings shall meet with each inmate during the third year of incarceration for the purposes of reviewing the inmate's file, making recommendations, and documenting activities and conduct pertinent to granting or withholding postconviction credit. One year prior to the inmate's minimum eligible parole release date a panel of two or more commissioners or deputy commissioners ~~consisting of at least two commissioners of the Board of Prison Terms~~ shall again meet with the inmate and shall normally set a parole release date as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner. In the event of a tie vote, the matter shall be referred for an en banc hearing by the board. ~~The panel shall consist solely of commissioners or deputy commissioners from the Board of Prison Terms.~~ The release date shall be set in a manner that will provide uniform terms for offenses of similar gravity and magnitude in respect to their threat to the public, and that will comply with the sentencing rules that the Judicial Council may issue and any sentencing information relevant to the setting of parole release dates. The board shall establish criteria for the setting of parole release dates and in doing so shall consider the number of victims of the crime for which the prisoner was sentenced and other factors in mitigation or aggravation of the crime. At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole ~~to the full board~~ for an en banc hearing by the board. In case of a review, a majority vote in favor or parole by of the full Board of Prison Terms board members participating in an en banc hearing in favor of parole is required to grant parole to any prisoner.

(b) The panel or the board sitting en banc shall set a release date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual, and that a parole date, therefore, cannot be fixed at this meeting. After the effective date of this subdivision, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing. No decision of the parole panel shall be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public hearing.

(c) For the purpose of reviewing the suitability for parole of those prisoners eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each prisoner until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

~~(d) Notwithstanding subdivision (a) and Section 5076.1, on an emergency basis, and only until December 31, 2005, life parole consideration hearings or life rescission hearings may be conducted by two person panels consisting of at least one commissioner. In the event of a tie vote, the matter shall be referred to the full board for a decision. It is the intent of the Legislature in enacting this subdivision to allow the board to increase the number of hearings conducted each month to eliminate the backlog of inmates awaiting a parole consideration hearing. The board shall report monthly on the number of hearings conducted in the previous month, the number scheduled in the current and subsequent months, the backlog of cases awaiting a hearing, and progress toward eliminating the backlog, if any. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.~~

(d) For purposes of this section, an en banc hearing by the board shall mean a hearing conducted by a committee of commissioners selected by the chairperson. The committee shall be comprised of a majority of commissioners holding office on the date the matter is heard by the committee.

~~3041.1. Up to 90 days prior to a scheduled parole release date, The Governor shall have the power to request review of any final decision concerning the grant or denial of parole to any prisoner in a state prison during the 90 days following any such decision by a parole authority, or at least 90 days before a scheduled parole release date, whichever is later. The Governor shall state the reason or reasons for the request, and whether the request is based on a public safety concern, a concern that the gravity of current or past convicted offenses may have been given inadequate consideration, or on other factors. When a request has been made, the full Board, a committee, selected by the chair and comprised of a majority of the commissioners currently holding office sitting en banc, shall review the parole decision. In case of a review, a vote in favor of parole by a majority of the ~~current board members~~ commissioners on the committee shall be required to grant parole to any prisoner. In carrying out any review, the Board shall comply with the provisions of this chapter.~~

3041.2. (a) During the ~~30~~ 60 days following the granting, denial, revocation, or suspension by a parole authority of the parole of a person sentenced to an indeterminate ~~prison term in a state prison~~ based upon a conviction of murder, the Governor, when reviewing the authority's decision pursuant to subdivision (b) of Section 8 of Article V of the Constitution, shall review materials provided by the parole authority.

(b) If the Governor decides to reverse or modify a parole decision of a parole authority pursuant to subdivision (b) of Section 8 of Article V of the Constitution, he or she shall send a written statement to the inmate specifying the reasons for his or her decision.

5000. ~~There is in the Youth and Adult Correctional Agency the Department of Corrections.~~ Commencing July 1, 2005, any reference to the Department of Corrections or "department" shall refer to the Department of Corrections and Rehabilitation.

5001. ~~(a) The department is composed of the Director of Corrections and the Prison Industry Authority.~~ Commencing July 1, 2005, there is within the Department of Corrections and Rehabilitation a Division of Adult Operations. A subordinate officer to the secretary shall be appointed by the Governor, subject to Senate confirmation, pursuant to this section and will serve at the pleasure of the Governor. The subordinate officer appointed pursuant to this section shall serve as the chief administrative officer of the Department of Corrections and Rehabilitation, Division of Adult Operations.

~~(b) Commencing July 1, 2005, The the Governor may request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide a list of persons qualified for appointment pursuant to (a). The Governor may appoint any person from such list of qualified persons or may reject all names and appoint another person who meets the requirements of this chapter.~~

5003.5. ~~The Board of Prison Terms~~ Board of Parole Hearings is empowered to advise and recommend to the ~~Director of Corrections~~ Secretary of the Department of Corrections and Rehabilitation on general and specific policies and procedures relating to the duties and functions of the ~~director~~ secretary. The ~~director~~ secretary is empowered to advise and recommend to the ~~Board of Prison Terms~~ Board of Parole Hearings on matters of general and specific policies and procedures, relating to the duties and functions of the board. The ~~director~~ secretary and the board shall meet for purposes of exchange of information and advice.

~~It is the intention of the Legislature that the Board of Prison Terms and the Director of Corrections shall cooperate with each other in the establishment of the classification, transfer, and discipline policies of the Department of Corrections, to the end that the objectives of the State Correctional System can best be attained. The director and the Board of Prison Terms shall, not less than four times each calendar year, meet for the purpose of discussion of classification, transfer, and discipline policies and problems and it is the intent of the Legislature that whenever possible there shall be agreement on these subjects. But for the purpose of maintaining responsibility for the secure and orderly administration of the prison system, the Director of Corrections shall have the final right to determine the policies on classification, transfer and discipline.~~

~~In the event there is no agreement the Board of Prison Terms shall file in writing with the Board of Corrections a statement of its proposals or recommendations to the director, and the director shall answer such statement in writing to the Board of Prison Terms, and a copy of both documents shall be transmitted to the Governor and to the Board of Corrections.~~

5050. Commencing July 1, 2005, any reference to the Director of Corrections shall refer to the Secretary of Corrections and Rehabilitation. The Office of Director of Corrections is hereby created. The office of Director of Corrections is hereby abolished.

5051. ~~The director shall be appointed by the Governor with the advice and consent of the Senate. He or she shall hold office at the pleasure of the Governor, but before the director may be removed, charges against him or her, which charges may be preferred by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the Governor. The Governor may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the director. If the Governor removes the director his or her action shall be final. He or she shall receive an annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code, and shall devote his or her entire time to the duties of his or her office.~~

5051.5. ~~The Governor may request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide a list of persons qualified for appointment as Director of Corrections. The Governor may appoint any person from such list of qualified persons or may reject all names and appoint another person who meets the requirements of this chapter.~~

5052. ~~The Director of Corrections and any other~~ Any officer or employee of the ~~Department of Corrections~~ Department of Corrections and Rehabilitation designated in writing by the ~~director-secretary~~, shall have the power of a head of a department pursuant to Article 2 (commencing at Section 11180) of Chapter 2, Part 1, Division 3, Title 2, of the Government Code.

5053. ~~The Director of Corrections is the chief administrative officer of the Department of Corrections.~~

5054. Commencing July 1, 2005, ~~The~~ the supervision, management and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the ~~director~~ Secretary of Corrections and Rehabilitation.

5055. Commencing July 1, 2005, ~~All~~ all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the ~~Director~~ Secretary of Corrections and Rehabilitation, except where such powers and duties are expressly vested by law in the ~~Board of Prison Terms~~ Board of Parole Hearings.

Whenever a power is granted to the ~~Director of Corrections~~ Secretary of Corrections and Rehabilitation or a duty is imposed upon the ~~director~~ Secretary, the power may be exercised or the duty performed by a ~~deputy of the director~~ subordinate officer to the secretary or by a person authorized pursuant to law by the ~~director~~ secretary.

5057. Subject to the powers of the Department of Finance, or its successor, under Section 13300 of the Government Code, the ~~director-secretary~~ must establish an accounting and auditing system for all of the agencies and institutions including the prisons which comprise the department, ~~except the Youth Authority~~ in such form as will best facilitate

their operation, and may modify the system from time to time.

The accounting and auditing system must include such accounts and records as are found necessary to properly account for all money and property of the prisoners and the inmates.

Except where other disposition is provided by law, all money belonging to the state received by the department, shall be reported to the Controller and deposited in the State Treasury monthly.

5067. ~~There is, in the Department of Corrections, a Correctional Conservation Camp Services Division, which shall be headed by a Deputy Director of Corrections, appointed by the Governor, on the recommendation of the Director of Corrections to serve at the pleasure of the Governor. Commencing July 1, 2005, The the Department of Corrections and Rehabilitation shall operate the conservation centers, branches thereof, and permanent, temporary and mobile camps operating therefrom, and shall have charge, subject to the general direction of the Director of Corrections, of all other institutions in the department and activities of persons in the custody of the director secretary relating to conservation work. The Governor may appoint a subordinate officer to the secretary under this section who shall hold office at the pleasure of the Governor. The director secretary shall appoint such additional personnel as are necessary to enable the division department to carry out its functions described in this section.~~

5075. (a) ~~The Board of Prison Terms shall be composed of nine commissioners, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and until the appointment and qualification of his or her successor. Commissioners shall be eligible for reappointment. Commencing July 1, 2005, there is hereby created the Board of Parole Hearings. Commencing July 1, 2005, any reference to the Board of Prison Terms or the "board" shall refer to the Board of Parole Hearings. The Board of Prison Terms is hereby abolished.~~

(b) The Governor shall appoint 17 commissioners, subject to Senate confirmation, pursuant to this section. The terms of the commissioners shall expire as follows: eight on July 1, 2007, nine on July 1, 2008. Successor commissioners shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. All appointments to a vacancy occurring by reason of any cause other than the expiration of a term shall be for the unexpired term. Commissioners shall be eligible for reappointment.

~~(b)(c) The chair of the board shall be designated by the Governor from time to time. The chair-The Governor may appoint an executive officer of the Board who shall hold office at the pleasure of the Governor. The executive officer appointed pursuant to this section shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. He or she shall be the appointing authority for all civil service positions of employment in the board. The secretary shall appoint such additional personnel as are necessary to enable the board to carry out its functions.~~

~~(c) The terms of the commissioners shall expire as follows: two on March 15, 1978, two on March 15, 1979, two on March 15, 1980, and three on March 15, 1981. Successor commissioners shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.~~

~~It is the further intent of this section that the board shall adopt policies and practices as will permit continuing operations and improvements without any further increase in the number of its commissioners.~~

~~(d) Each commissioner shall participate in hearings on each workday, except when it is necessary for a commissioner to attend training, en banc hearings or full board meetings, or other administrative business requiring the participation of the commissioner. For purposes of this subdivision, these hearings shall include parole documentation hearings, parole consideration hearings, parole rescission hearings, and parole progress hearings, mentally disordered offender hearings, and sexually violent predator hearings.~~

5075.1. The Board of Parole Hearings shall do the following:

- (a) Conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults under the jurisdiction of the department;
- (b) Conduct mentally disordered offender hearings;
- (c) Conduct sexually violent predator hearings;
- (d) Review prisoners' requests for reconsideration of denial of good-time credit and setting of parole length or conditions pursuant to Section 5077;
- (e) Determine revocation of parole for adult offenders under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Adult Operations pursuant to Section 5077;
- (f) Carryout the functions described in Welfare and Institutions Code Section 1719 and make every order granting and revoking parole and issuing final discharges to any person under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Youth Operations;
- (g) Conduct studies pursuant to Welfare and Institutions Code Section 3150, and
- (h) Investigate and report on all applications for reprieves, pardons and commutation of sentence, as provided in Title 6 of Part 3 of this code.
- (i) Other powers and duties as prescribed by law.

5075.6 Commissioners and deputy commissioners hearing matters pursuant to subdivision (f) of Section 5075.1, or any other matter involving wards under the jurisdiction of the Division of Youth Operations, shall have a broad background in and ability for appraisal of youthful law offenders and delinquents, the circumstances of delinquency for which those persons are committed, and the evaluation of the individual's progress toward reformation. Insofar as practicable, commissioners and deputy commissioners selected to hear these matters also shall have a varied and sympathetic interest in youth correction work and shall have experience in the fields of corrections, sociology, law, law enforcement, mental health, and education.

(b) Within 60 days of appointment and annually thereafter, commissioners and deputy commissioners described in (a) shall undergo a minimum of 40 hours of training in the following areas: treatment and training programs provided to wards at Department of Corrections and Rehabilitation institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs; a review of current national research on effective interventions with juvenile offenders and how they compare to department program and treatment services; parole services; commissioner duties and responsibilities; and a review of factors influencing ward lengths of stay and ward recidivism rates and their relationship to one another.

5075.7. Insofar as practicable, commissioners or deputy commissioners conducting studies pursuant to subdivision (g) of section 5075.1 shall have a background in law, sociology, law enforcement, medicine, education, or drug counseling.

5076.1. (a) The board shall meet at each of the state prisons and may meet at any facility under the jurisdiction of the Division of Youth Operations. Meetings shall be held at such times as may be necessary for a full and complete study of the cases of all prisoners and wards whose applications for parole come before it matters are considered. Other times and places of meeting may also be ~~fixed~~ designated by the board. Each commissioner of the board shall receive his actual necessary traveling expenses incurred in the performance of his or her official duties. Where the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, at least ~~five~~ nine members shall be present, and no such action shall be valid unless it is concurred in by a majority vote of those present.

(b) The board may employ use deputy commissioners to whom it may assign appropriate duties, including that of hearing cases and making decisions. Such decisions shall be made in accordance with policies approved by a majority of the total membership of the board.

(c) The board may meet and transact business in panels. Each panel shall consist of ~~at least three~~ two or more persons. No action shall be valid unless concurred in by a majority vote of the persons present. In the event of a tie vote, the matter shall be referred to ~~the full board~~ a committee, selected by the chair, comprised of a majority of commissioners currently holding office.

(d) When determining whether commissioners or deputy commissioners shall hear matters pursuant to (f) of section 5075.1, or any other matter submitted to the Board involving wards under the jurisdiction of the Division of Youth Operations, the chair, shall take into account the degree of complexity of the issues presented by the case. Any decision resulting in the extension of a parole consideration date shall entitle a ward to appeal the decision to a panel comprised of two or more commissioners, of which no more than one may be a deputy commissioner. The panel shall consider and act upon the appeal in accordance with rules established by the Board.

(e) Consideration of parole release for persons sentenced to life imprisonment pursuant to subdivision (b) of Section 1168 shall be heard by a panel of two or more commissioners or deputy commissioners, of which only one may be a deputy commissioner, ~~a majority of whose commissioners are commissioners of the Board of Prison Terms.~~ A

recommendation for recall of a sentence under subdivisions (d) and ~~(f)~~ (e) of Section 1170 shall be made by a panel a majority of whose commissioner are commissioner of the ~~Board of Prison Terms~~ Board of Parole Hearings.

5082. ~~(a) Any number of employees of the Board of Prison Terms as are needed to carry out its functions shall be selected and appointed pursuant to the State Civil Service Act. Nothing shall prohibit the Board of Prison Terms from employing any person employed formerly by the Adult Authority or Women's Board of Terms and Paroles.~~

~~(b) The provisions of Chapter 6 (commencing with Section 6050) of Title 7 of Part 3, relating to the employment of personnel by the department, do not apply to the employees of the Board of Prison Terms.~~

6003. ~~The Youth Authority and the Director of Corrections may, pursuant to Section 11253 and Sections 11256 to 11259, inclusive, of the Government Code, provide for the performance of any of the duties or the exercise of any of the powers of the Youth Authority by the Department of Corrections subject to the direction and control of the Youth Authority except that the power of classification and segregation of persons committed to the authority shall be exercised by the authority and shall not be exercised by any other agency.~~

6004. ~~Whenever the Director of Corrections or the Department of Corrections exercises any power or performs any duty of the Youth Authority pursuant to the authorization in Section 6003:~~

~~(a) The exercise of the power or the performance of the duty by the Director of Corrections or the Department of Corrections shall constitute an exercise of the power or a performance of the duty by the Youth Authority for the purposes of the Youth Authority Act (Chapter 1 (commencing with Section 1700) of Division 2.5 of the Welfare and Institutions Code).~~

~~(b) The operation of any service, place, institution, hospital, agency, or facility by the Department of Corrections under the authorization in Section 6003 shall be deemed operation by the Youth Authority.~~

~~(c) (b) All public officers and other persons under a duty to make any reports or provide any information, access, or assistance to the Youth Authority in respect to the power or duty so exercised shall make the reports, or provide the information, access, or assistance to the Director of Corrections or the Department of Corrections.~~

6024. Commencing July 1, 2005, any reference to the Board of Corrections or "board" shall refer to the Corrections Standards Authority. There is in the Youth and Adult Correctional Agency a Board of Corrections. There is in the Department of Corrections and Rehabilitation, a Corrections Standards Authority.

6025. (a) The Board of Corrections Commencing July 1, 2005, the Corrections Standards Authority shall be composed of 15 17 members, one of whom shall be the Secretary of the Youth and Adult Correctional Agency Department of Corrections and Rehabilitation, or his or her designee, who shall be designated as the chairperson, one of whom shall be the Director of Corrections, one of whom shall be the Director of the Youth Authority

four of whom shall be subordinate officers of the Secretary of Corrections and Rehabilitation. At least one subordinate officer shall be a manager or administrator of a state detention facility for adult offenders and at least one other subordinate officer shall be a manager or administrator of a state detention facility for juvenile offenders. The remaining ~~and 12 members of whom~~ shall be appointed by the Governor after consultation with, and with the advice of, the Secretary of ~~the Youth and Adult Correctional Agency~~ the Department of Corrections and Rehabilitation, and with the advice and consent of the Senate. The gubernatorial appointments shall include all of the following:

- (1) A county sheriff in charge of a local detention facility which has a ~~Board of Corrections~~ Corrections Standards Authority rated capacity of 200 or less inmates.
  - (2) A county sheriff in charge of a local detention facility which has a ~~Board of Corrections~~ Corrections Standards Authority rated capacity of over 200 inmates.
  - (3) A county supervisor or county administrative officer.
  - (4) A chief probation officer from a county with a population over 200,000.
  - (5) A chief probation officer from a county with a population under 200,000.
  - (6) A manager or administrator of a county local detention facility.
  - (7) An administrator of a local community-based correctional program.
  - (8) Two public members, at least one of whom shall represent the interests of crime victims.
  - (9) Two rank and file representatives. One shall be from ~~one or more~~ local corrections facilities, as described in Section 6035 or probation; and one shall be from state corrections facilities or parole. One representative shall be a juvenile probation officer at the level of the first line supervisor or below, with a minimum of five years of experience in a juvenile facility, and one representative shall be a deputy sheriff with the rank of sergeant or below, with a minimum of five years experience in an adult facility. One of the two representatives shall have a minimum of five years of experience in a state or local juvenile facility. The other shall have a minimum of five years experience in a state or local adult facility.
  - (10)-A representative of a community-based youth service organization.
- (b) ~~Of the members first appointed by the Governor, two shall be appointed for a term of two years, three for a term of three years, and three for a term of four years. The length of the original term to be served by each member first appointed shall be determined by lot. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.~~
- (e) (b) ~~The board~~ Authority shall select a vice chairperson from among its members. ~~Seven~~ Nine members of the board shall constitute a quorum.
- (d) (c) ~~When the board~~ Authority is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.
- (e) (d) ~~If any appointed member is not in attendance for three consecutive meetings the board~~ Authority shall ~~may~~ recommend to the Governor that the member be removed and the Governor ~~shall~~ may make a new appointment, with the advice and consent of the Senate, for the remainder of the term.

6026. The ~~Board of Corrections~~ Corrections Standards Authority shall be the means whereby the Department of ~~Corrections and the Department of the Youth Authority~~ Corrections and Rehabilitation may correlate ~~their~~ its individual programs for ~~the~~ adults and youths under ~~the~~ its jurisdiction ~~of each~~.

6030. (a) ~~The Board of Corrections~~ The Corrections Standards Authority shall establish minimum standards for local detention facilities ~~by July 1, 1972~~. ~~The Board of Corrections~~ Corrections Standards Authority shall review such standards biennially and make any appropriate revisions.

(b) The standards shall include, but not be limited to, the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training.

(c) Such standards shall require that at least one person on duty at the facility is knowledgeable in the area of fire and life safety procedures.

(d) The standards shall also include requirements relating to the acquisition, storage, labeling, packaging, and dispensing of drugs.

(e) In establishing minimum standards, the ~~Board of Corrections~~ Corrections Standards Authority shall seek the advice of the following:

(1) For health and sanitary conditions:

The State Department of Health Services, or its successor, physicians, psychiatrists, local public health officials, and other interested persons.

(2) For fire and life safety:

The State Fire Marshal, local fire officials, and other interested persons.

(3) For security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities:

The Department of ~~Corrections, the Department of the Youth Authority~~ Corrections and Rehabilitation, state and local juvenile justice commissions, state and local correctional officials, experts in criminology and penology, and other interested persons.

(4) For personnel training:

The Commission on Peace Officer Standards and Training, psychiatrists, experts in criminology and penology, the Department of ~~Corrections, the Department of the Youth Authority~~ Corrections and Rehabilitation, state and local correctional officials, and other interested persons.

6050. (a) The Governor, upon recommendation of the ~~director~~ secretary, ~~and with the advice and consent of the Senate~~, shall appoint the wardens of the various state prisons. Each warden shall be subject to removal by the ~~director~~ secretary. If the ~~director~~ secretary removes the warden, his or her action shall be final. The wardens shall be exempt from civil service.

(b) The Department of Personnel Administration, shall fix the compensation of the wardens and superintendents of the state prisons.

13600. (a) Commencing July 1, 2005, any reference to the "Commission on Correctional Peace Officer Standards and Training" shall refer to the Corrections Standards Authority established pursuant to Penal Code Chapter 5, of Title 7 (commencing with section

6024). The Commission on Correctional Peace Officer Standards and Training is abolished.

~~(a)~~ (b) The Legislature finds and declares that peace officers of the state correctional system, including youth and adult correctional facilities, fulfill responsibilities that require creation and application of sound selection criteria for applicants and standards for their training prior to assuming their duties. For the purposes of this section, correctional peace officers are peace officers as defined in Section 830.5 and employed or designated by the ~~Department of Corrections and the Department of the Youth Authority~~ Department of Corrections and Rehabilitation.

The Legislature further finds that sound applicant selection and training are essential to public safety and in carrying out the missions of the Youth and Adult Correctional Agency in the custody and care of the state's offender population. The greater degree of professionalism which will result from sound screening criteria and a significant training curriculum will greatly aid the ~~Youth and Adult Correctional Agency~~ Department of Corrections and Rehabilitation in maintaining smooth, efficient, and safe operations and effective programs in the ~~Department of Corrections and the Department of the Youth Authority~~.

~~(b)~~ There is within the Youth and Adult Correctional Agency a Commission on Correctional Peace Officer Standards and Training, hereafter referred to as the CPOST. ~~The Department of Corrections Department of the Youth Authority Joint Apprenticeship Committee, as referred to in the Memorandum of Understanding for Unit 6, is hereby renamed the Commission on Correctional Peace Officer Standards and Training. Any reference to the Department of Corrections Department of the Youth Authority Joint Apprenticeship Committee shall be deemed to refer to the CPOST.~~

~~(c)~~ (1) The executive board of the CPOST shall be composed of six voting members.

~~(A)~~ Two members from, appointed by, and representing the management of, the Department of Corrections and one member from, appointed by, and representing the Department of the Youth Authority.

~~(B)~~ Three members from, and appointed by the Governor upon recommendation by, and representing the membership of, the California Correctional Peace Officers' Association. Two members shall be rank and file persons from State Bargaining Unit 6 and one member shall be supervisory.

~~(C)~~ Appointments shall be for four years.

~~(D)~~ Promotion of a Member of CPOST shall invalidate the appointment of that member and shall require the recommendation and appointment of a new member if the member was appointed from rank and file or from supervisory personnel and promoted out of his or her respective rank and file or supervisory position during his or her term on CPOST.

~~(2)~~ Each appointing authority shall appoint one alternate member for each regular member who they appoint pursuant to paragraph (1). Every alternate member shall possess the same qualifications as the regular member and shall substitute for, and vote in place of, the regular member whenever he or she is absent.

~~(d)~~ The rules for voting on the executive board of the CPOST shall be as follows:

~~(1)~~ Decisions shall be made by a majority vote.

~~(2)~~ Proxy voting shall not be permitted.

(3) Tentative approval of a decision may be taken by a telephone vote. The CPOST members' decision shall be documented in writing and submitted to the CPOST for confirmation at the next scheduled CPOST meeting so as to become a part of the permanent record.

(e) The executive board of the CPOST shall adopt rules as it deems necessary for efficient operations, including, but not limited to, the appointment of advisory members for forming whatever committee it deems necessary to conduct its business. These rules shall be in conformance with the State Personnel Board rules and regulations, the Department of Personnel Administration rules and regulations, and the provisions of the State Bargaining Unit 6 Memorandum of Understanding.

(f) The CPOST Secretary of the Department of Corrections and Rehabilitation shall, upon advice of the Corrections Standards Authority, appoint ~~an executive director a~~ subordinate officer to serve as executive director of the board pursuant to this section. The subordinate officer shall serve at the pleasure of the secretary. ~~The executive director subordinate officer appointed pursuant this section shall~~ appoint staff as provided for in the annual Budget Act, beginning in fiscal year ~~1999-2000~~ 2005-2006.

13601. (a) The ~~CPOST~~ Corrections Standards Authority shall develop, approve, and monitor standards for the selection and training of state correctional peace officer apprentices. Any standard for selection established under this subdivision shall be subject to approval by the State Personnel Board. Using the psychological and screening standards established by the State Personnel Board, the State Personnel Board or the ~~Department of the Youth Authority~~ Department of Corrections and Rehabilitation, Division of Youth Operations shall ensure that, prior to training, each applicant who has otherwise qualified in all physical and other testing requirements to be a peace officer in either a youth or adult correctional facility, is determined to be free from emotional or mental conditions that might adversely affect the exercise of his or her duties and powers as a peace officer.

(b) The ~~CPOST~~ Corrections Standards Authority may approve standards for a course in the carrying and use of firearms for correctional peace officers that ~~is~~ are different from that prescribed pursuant to Section 832. The standards shall take into consideration the different circumstances presented within the institutional setting from that presented to other law enforcement agencies outside the correctional setting.

(c) Notwithstanding Section 3078 of the Labor Code, the length of the probationary period for correctional peace officer apprentices shall be determined by the ~~CPOST~~ Corrections Standards Authority subject to approval by the State Personnel Board, pursuant to Section 19170 of the Government Code.

(d) The ~~CPOST~~ Corrections Standards Authority shall develop, approve, and monitor standards for advanced rank-and-file and supervisory state correctional peace officer and training programs for the ~~Department of Corrections~~ Department of Corrections and Rehabilitation.

When a correctional peace officer is promoted within the ~~Department of Corrections~~ Department of Corrections and Rehabilitation, he or she shall be provided with and be required to complete these secondary training experiences.

(e) The ~~CPOST~~ Corrections Standards Authority shall develop, approve, and monitor standards for the training of state correctional peace officers in the ~~Department of~~

~~Corrections~~ Department of Corrections and Rehabilitation in the handling of stress associated with their duties.

(f) Toward the accomplishment of the objectives of this act, the ~~CPOST~~ Corrections Standards Authority may confer with, and may avail itself of the assistance and recommendations of, other state and local agencies, boards, or commissions.

(g) Notwithstanding the authority of the ~~CPOST~~ Corrections Standards Authority, the ~~departments~~ department shall design and deliver training programs, shall conduct validation studies, and shall provide program support. The ~~CPOST~~ Corrections Standards Authority shall monitor program compliance by the ~~departments~~ department.

(h) The ~~CPOST~~ Corrections Standards Authority may disapprove any training courses created by the ~~departments~~ department pursuant to the standards developed by the ~~commission~~ Corrections Standards Authority if it determines that the courses do not meet the prescribed standards.

(i) The ~~CPOST~~ Corrections Standards Authority shall annually submit an estimate of costs to conduct those inquiries and audits as may be necessary to determine whether the ~~departments~~ department and each of ~~their~~ its institutions and parole regions are adhering to the standards developed by ~~CPOST~~ the Corrections Standards Authority, and shall conduct such inquiries and audits consistent with the annual Budget Act.

(j) The ~~CPOST~~ Corrections Standards Authority shall establish and implement procedures for reviewing and issuing decisions concerning complaints or recommendations from interested parties regarding ~~CPOST~~ Corrections Standards Authority rules, regulations, standards, or decisions.

13602. (a) The ~~Department of Corrections~~ Department of Corrections and Rehabilitation shall ~~may~~ use the training academy at Galt ~~or the training center at Stockton~~. ~~This academy~~ The academy at Galt shall be known as the Richard A. McGee Academy. ~~The Department of the Youth Authority shall use the training center at Stockton.~~ The training divisions, in using the funds, shall endeavor to minimize costs of administration so that a maximum amount of the funds will be used for providing training and support to correctional peace officers while being trained by the ~~departments~~ department.

(b) Each new cadet who attends an academy shall complete the course of training, pursuant to standards approved by ~~CPOST~~ Corrections Standards Authority before he or she may be assigned to a post or job as a peace officer. Every newly appointed first-line or second-line supervisor in the ~~Department of Corrections~~ Department of Corrections and Rehabilitation shall complete the course of training, pursuant to standards approved by ~~CPOST~~ the Corrections Standards Authority for that position.

(c) The ~~Department of Corrections and the Department of the Youth Authority~~ Department of Corrections and Rehabilitation shall make every effort to provide training prior to commencement of supervisory duties. If this training is not completed within six months of appointment to that position, any first-line or second-line supervisor shall not perform supervisory duties until the training is completed.

13603. (a) The ~~Department of Corrections and the Department of the Youth Authority~~ Department of Corrections and Rehabilitation shall provide 16 weeks of training to each correctional peace officer cadet. Except as provided by subdivision (b), this training shall

be completed by the cadet prior to his or her assignment to a post or position as a correctional peace officer.

(b) If an agreement is reached between the ~~Department of Corrections~~ Department of Corrections and Rehabilitation and the bargaining unit for the correctional peace officers that this subdivision shall apply, and with the approval of the ~~Commission on Correctional Peace Officer Standards and Training~~ on Corrections Standards Authority how to implement the on-the-job training requirements of the subdivision, the ~~Department of Corrections~~ Department of Corrections and Rehabilitation shall provide a total of 16 weeks of training to each correctional peace officer cadet as follows:

(1) Twelve weeks of the training shall be at the department's training academy. Cadets shall be sworn in as correctional peace officers upon the completion of this initial 12 weeks.

(2) Four weeks shall be at the institution where the cadet is assigned to a post or position.

(c) ~~Department of Corrections and the Department of the Youth Authority~~ Department of Corrections and Rehabilitation shall provide a minimum of two weeks of training to each newly appointed first line supervisor.

(d) Training standards established pursuant to this section shall remain in effect until such time as new training requirements are established by the Corrections Standards Authority pursuant to Section 13602.

13810. There is hereby created in the state government the California Council on Criminal Justice, which shall be composed of the following members: the Attorney General; the Administrative Director of the Courts; 19 members appointed by the Governor, including the Commissioner of the Department of the Highway Patrol, the ~~Director of the Department of Corrections~~ Secretary of the Department of Corrections and Rehabilitation or his or her designee, ~~the Director of the Department of the Youth Authority~~ a subordinate officer of the Secretary of the Department of Corrections and Rehabilitation, and the State Public Defender; eight members appointed by the Senate Rules Committee; and eight members appointed by the Speaker of the Assembly.

The remaining appointees of the Governor shall include different persons from each of the following categories: a district attorney, a sheriff, a county public defender, a county probation officer, a member of a city council, a member of a county board of supervisors, a faculty member of a college or university qualified in the field of criminology, police science, or law, a person qualified in the field of criminal justice research and six private citizens, including a representative of a citizens, professional, or community organization. The Senate Committee on Rules shall include among its appointments different persons from each of the following categories: a member of the Senate Committee on Criminal Procedure, a representative of the counties, a representative of the cities, a judge designated by the Judicial Council, and four private citizens, including a representative of a citizens, professional, or community organization. The Speaker of the Assembly shall include among his appointments different persons from each of the following categories: a representative of the counties, a representative of the cities, a member of the Assembly Committee on Public Safety, a chief of police, a peace officer, and three private citizens, including a representative of a citizens, professional, or community organization directly related to delinquency prevention.

The Governor shall select a chairman from among the members of the council.

## Welfare and Institutions Code

1000. ~~The~~ Commencing July 1, 2005, any references to the Department of the Youth Authority shall refer to the Department of Corrections and Rehabilitation, Division of Youth Operations which has jurisdiction over all educational training and ~~reception~~ treatment institutions now or hereafter established and maintained in the State as correctional schools for the treatment of wards of the juvenile court and other persons committed to the department.

1703. Commencing July 1, 2005, as ~~As~~ used in this chapter

- (a) "Public offenses" means public offenses as that term is defined in the Penal Code;
- (b) "Court" includes any official authorized to impose sentence for a public offense;
- (c) "Youth Authority", "Authority", "authority", ~~or~~ "department," means the Department ~~the Youth Authority of Corrections and Rehabilitation, Division of Youth Operations;~~
- (d) "Board" or "board" means the ~~Youth Authority Board~~ Corrections and Rehabilitation, Board of Parole Hearings.
- ~~(e)~~ (d) The masculine pronoun includes the feminine.

1710. Commencing July 1, 2005, There ~~there~~ is in the ~~Youth and Adult Correctional Agency, the Department of the Youth Authority, Department of Corrections and Rehabilitation, the Division of Youth Operations.~~

1711. ~~The Director of the Youth Authority shall be appointed by the Governor with the advice and consent of the Senate. He or she shall hold office at the pleasure of the Governor but before the director may be removed, the procedures set forth in Section 5051 of the Penal Code shall be followed. He or she shall receive an annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code, and shall devote his or her entire time to the duties of his or her office. The Governor, upon recommendation of the Secretary of the department, shall appoint a subordinate officer to the secretary pursuant to this section, subject to confirmation by the Senate. The subordinate officer shall serve at the pleasure of the Governor. The subordinate officer appointed pursuant to this section shall serve as the chief administrative officer of the Department of Corrections and Rehabilitation, Division of Youth Operations.~~

Commencing July 1, 2005, any reference to Director of the Youth Authority shall refer to the subordinate officer appointed pursuant to this section, except as otherwise expressly provided.

1712. (a) All powers, duties, and functions pertaining to the care and treatment of wards provided by any provision of law and not specifically and expressly assigned to the Department of Corrections and Rehabilitation, Division of Youth Operations, or the Board of Parole Hearings Youth Authority Board shall be exercised and performed by the ~~director~~ Secretary of Corrections and Rehabilitation. The ~~director~~ Secretary of Corrections and Rehabilitation shall be the appointing authority for all civil service positions of employment in the department. The ~~director~~ Secretary of Corrections and Rehabilitation may delegate the powers and duties vested in him or her by law, in accordance with Section 7.

(b) ~~The director~~ Commencing July 1, 2005, the Secretary of Corrections and Rehabilitation is authorized to make and enforce all rules appropriate to the proper accomplishment of the functions of the Department of ~~the Youth Authority~~ Corrections and Rehabilitation. The rules shall be promulgated and filed pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and shall, to the extent practical, be stated in language that is easily understood by the general public.

(c) ~~The Department of the Youth Authority~~ Secretary shall maintain, publish, and make available to the general public, a compendium of rules and regulations promulgated by the department pursuant to this section.

(d) The following exceptions to the procedures specified in this section shall apply to the ~~Department of the Youth Authority~~ Department of Corrections and Rehabilitation: (1) The department may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State; provided that no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them.

(2) The department may rely upon a summary of the information compiled by a hearing officer; provided that the summary and the testimony taken regarding the proposed action shall be retained as part of the public record for at least one year after the adoption, amendment, or repeal.

1713. (a) ~~The Director of the Youth Authority~~ subordinate officer appointed pursuant to section 1711(b) shall have wide and successful administrative experience in youth or adult correctional programs embodying rehabilitative or delinquency prevention concepts.

(b) The Governor may request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide a list of persons qualified for appointment as ~~Director of the Youth Authority~~ the subordinate officer specified in section 1711(b). The Governor may appoint any person from such list of qualified persons or may reject all names and appoint another person who meets the requirements of this section.

1714. ~~The Director of the Youth Authority~~ Secretary of Corrections and Rehabilitation may transfer persons confined in one institution or facility of the Department of ~~the Youth Authority~~ Corrections and Rehabilitation, Division of Youth Operations to another.

1716. (a) ~~There is in the Department of the Youth Authority a Youth Authority Board, which shall be composed of six members, one of whom shall be the Director of the Youth Authority who shall serve as the ex officio nonvoting chair of the board. Other than the chair, who is subject to appointment pursuant to Section 1711, the members shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years, and shall devote their entire time to its work. Commencing July 1, 2005, any reference to the Youth Authority Board shall refer to the Board of Parole Hearings. The Youth Authority Board is hereby abolished.~~

~~(b) The individuals who were members of the Youthful Offender Parole Board immediately prior to the effective date of this section shall continue in their respective terms of office as members of the Youth Authority Board as provided in this section. The positions held by one of the members whose term ends on March 15, 2007, and by one of the members whose term ends on March 15, 2006, shall be eliminated on the effective date of this section, reducing the composition of the board to five members, not including the position held by the Director of the Youth Authority. All other members shall continue to serve out their respective terms. Their successors shall hold office for terms of four years. The members shall be eligible for reappointment and shall hold office until the appointment and qualification of their successors, with the term of each new appointee to commence on the expiration date of the term of his or her predecessor.~~

~~(c) All appointments to a vacancy occurring by reason of any cause other than the expiration of a term shall be for the unexpired term.~~

~~(d) If the Senate, in lieu of failing to confirm, finds that it cannot consider all or any of the appointments to the Youth Authority Board adequately because the amount of legislative business and the probable duration of the session does not permit, it may adopt a single house resolution by a majority vote of all members elected to the Senate to that effect and requesting the resubmission of the unconfirmed appointment or appointments at a succeeding session of the Legislature, whether regular or extraordinary, convening on or after a date fixed in the resolution. This resolution shall be filed immediately after its adoption in the office of the Secretary of State and the appointee or appointees affected shall serve subject to later confirmation or rejection by the Senate.~~

1717. (a) ~~Persons appointed to the Youth Authority Board shall have a broad background in and ability for appraisal of youthful law offenders and delinquents, the circumstances of delinquency for which those persons are committed, and the evaluation of the individual's progress toward reformation. Insofar as practicable, members shall be selected who have a varied and sympathetic interest in youth correction work including persons widely experienced in the fields of corrections, sociology, law, law enforcement, mental health, and education.~~

~~(b) The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the state.~~

~~(c) The Director of the Youth Authority shall serve as the ex officio nonvoting chair of the board. The chair shall be the administrative head of the board and shall exercise all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged.~~

~~(d) Within 60 days of appointment and annually thereafter, persons appointed to the Youth Authority Board shall undergo a minimum of 40 hours of training in the following areas: treatment and training programs provided to wards at Authority institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs; a review of current national research on effective interventions with juvenile offenders and how they compare to department program and treatment services; parole services; board member duties and responsibilities; and a review of factors influencing ward lengths of stay and ward recidivism rates and their relationship to one another.~~

1718. ~~(a) The members of the board shall receive an annual salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code and their actual necessary traveling expenses to the same extent as is provided for other state offices.~~

~~(b) The Governor may remove any member of the board for misconduct, incompetency or neglect of duty after a full hearing by the Board of Corrections.~~

1719. (a) The following powers and duties shall be exercised and performed by the ~~Youth Authority Board~~ Board of Parole Hearings as such, or may be delegated to a panel member, or case hearing representative as provided in Section 1721: discharges of commitment, orders to parole and conditions thereof, revocation or suspension of parole, and disciplinary appeals.

(b) Any ward may appeal an adjustment to his or her parole consideration date to a panel comprised of at least two ~~board members~~ commissioners.

(c) The following powers and duties shall be exercised and performed by the ~~Department of the Youth Authority~~ Department of Corrections and Rehabilitation, Division of Youth Operations: return of persons to the court of commitment for redispotion by the court, determination of offense category, setting of parole consideration dates, conducting annual reviews, treatment program orders, institution placements, furlough placements, return of nonresident persons to the jurisdiction of the state of legal residence, disciplinary decisionmaking, and referrals pursuant to Section 1800.

(d) The ~~Department of the Youth Authority~~ Department of Corrections and Rehabilitation shall promulgate policies and regulations implementing a departmentwide system of graduated sanctions for addressing ward disciplinary matters. The disciplinary decisionmaking system shall be employed as the disciplinary system in ~~department institutions~~ the department's Division of Youth Operations facilities, and shall provide a framework for handling disciplinary matters in a manner that is consistent, timely, proportionate, and ensures the due processes rights of wards. The department shall develop and implement a system of graduated sanctions which distinguishes between minor, intermediate, and serious misconduct. The department may extend a ward's parole consideration date, subject to appeal pursuant to subdivision (b), from one to not more than 12 months, inclusive, for a sustained serious misconduct violation if all other sanctioning options have been considered and determined to be unsuitable in light of the ward's previous case history and the circumstances of the misconduct. In any case in which a parole consideration date has been extended, the disposition report shall clearly state the reasons for the extension. The length of any parole consideration date extension

shall be based on the seriousness of the misconduct, the ward's prior disciplinary history, the ward's progress toward treatment objectives, the ward's earned program credits, and any extenuating or mitigating circumstances. The department shall promulgate regulations to implement a table of sanctions to be used in determining parole consideration date extensions. The department also may promulgate regulations to establish a process for granting wards who have successfully responded to disciplinary sanctions a reduction of up to 50 percent of any time acquired for disciplinary matters.

1720. (a) The case of each ward shall be reviewed by the Department of ~~the Youth Authority~~ Corrections and Rehabilitation, Division of Youth Operations within 45 days of arrival at the department, and at other times as is necessary to meet the powers or duties of the ~~board~~ Board of Parole Hearings.

(b) The ~~department~~ division shall periodically review the case of each ward for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force. These reviews shall be made as frequently as the department considers desirable and shall be made with respect to each ward at intervals not exceeding one year.

(c) The ward shall be entitled to notice if his or her annual review is delayed beyond one year after the previous annual review hearing. The ward shall be informed of the reason for the delay and of the date the review hearing is to be held.

(d) Failure of the department to review the case of a ward within 15 months of a previous review shall not of itself entitle the ward to discharge from the control of the ~~Youth Authority~~ Department of Corrections and Rehabilitation, Division of Youth Operations but shall entitle him or her to petition the superior court of the county from which he or she was committed for an order of discharge, and the court shall discharge him or her unless the court is satisfied as to the need for further control.

(e) Reviews conducted by the ~~department~~ Division of Youth Operations pursuant to this section shall be written and shall include, but not be limited to, the following: verification of the treatment or program goals and orders for the ward to ensure the ward is receiving treatment and programming that is narrowly tailored to address the correctional treatment needs of the ward and is being provided in a timely manner that is designed to meet the parole consideration date set for the ward; an assessment of the ward's adjustment and responsiveness to treatment, programming, and custody; a review of the ward's disciplinary history and response to disciplinary sanctions; an updated individualized treatment plan for the ward that makes adjustments based on the review required by this subdivision; an estimated timeframe for the ward's commencement and completion of the treatment programs or services; and a review of any additional information relevant to the ward's progress.

(f) The ~~department~~ Division of Youth Operations shall provide copies of the reviews prepared pursuant to this section to the court and the probation department of the committing county.

1721. (a) ~~The Youth Authority Board shall adopt policies governing the performance of its functions by the full board, or, pursuant to delegation, by panels, or referees. Whenever the board performs its functions meeting en banc in either public or executive sessions to decide matters of policy, four members shall be present and no action shall be~~

~~valid unless it is concurred in by a majority vote of those present.~~

~~(b) Case hearing representatives from the Department of the Youth Authority may be employed to participate with the board in the hearing of cases and authority may be delegated to those persons as provided in this section.~~

~~(c) The board may delegate its authority to hear, consider, and act upon cases to members or case hearing representatives, sitting either on a panel or as a referee. A panel may consist of two or more members, a member and a case hearing representative, or two case hearing representatives. Two members of a panel shall constitute a quorum, and no action of the panel shall be valid unless concurred in by a majority vote of those present.~~

~~(d) When delegating its authority, the board may condition finality of the decision of the panel or referee to whom authority is delegated on concurrence of a member or members of the board. In determining whether, in any case, it shall delegate its authority and the extent of such delegation, the board shall take into account the degree of complexity of the issues presented by the case.~~

~~(e) The board shall adopt rules, under which a person under the jurisdiction of the Youth Authority or other persons, as specified in those rules, may appeal any decision of a case hearing representative. Any decision resulting in the extension of a parole consideration date shall entitle a ward to appeal the decision to a panel of at least two board members. The board shall consider and act upon the appeal in accordance with those rules.~~

~~1722. (a) Any rules and regulations, including any resolutions and policy statements, promulgated by the, shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall, to the extent practical, be stated in language that is easily understood by the general public.~~

~~(b) The board shall maintain, publish, and make available to the general public, a compendium of its rules and regulations, including any resolutions and policy statements, promulgated pursuant to this section.~~

~~(c) The following exception to the procedures specified in this section shall apply to the board: The chairperson may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State; provided that no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them.~~

~~1723. (a) Except as provided in Sections 1716 and 1721, every Every order granting and revoking parole and issuing final discharges to any person under the jurisdiction of the Youth Authority Department of Corrections and Rehabilitation, Division of Youth Operations shall be made by the Youth Authority Board Board of Parole Hearings or its designee, as authorized by this article.~~

~~(b) All other powers conferred to the Youth Authority Board Board of Parole Hearings concerning wards under the jurisdiction of the Division of Youth Operations may be exercised through subordinates or delegated to the Department of the Youth Authority division under rules established by the board. Any person subjected to an order of those subordinates or of the department division pursuant to that delegation may petition the board for review. The board may review those orders under appropriate rules and~~

regulations.

(c) All board ~~Hearing Administration~~ designees shall be subject to the training required pursuant to ~~subdivision (d) of Section 1717~~ Penal Code Section 5075.6.

1725. ~~The Youth Authority Board~~ The Board of Parole Hearings shall succeed to and shall exercise and perform all powers and duties previously granted to, exercised by, and imposed upon the Youthful Offender Parole Board and Youth Authority Board, as authorized by this article. ~~The Youthful Offender Parole Board and the Youth Authority Board are~~ is abolished.

1766. (a) When a person has been committed to the ~~Department of the Youth Authority~~ Department of Corrections and Rehabilitation, Division of Youth Operations, the ~~Youth Authority Board~~ Board of Parole Hearings may, according to standardized review and appeal procedures established by the board in policy and regulation and subject to the powers and duties enumerated in subdivision (a) of Section 1719:

(1) Permit the ward his or her liberty under supervision and upon conditions it believes are best designed for the protection of the public.

(2) Order his or her confinement under conditions it believes best designed for the protection of the public pursuant to the purposes set forth in Section 1700, except that a person committed to the ~~Youth Authority~~ Department of Corrections and Rehabilitation, Division of Youth Operations pursuant to Sections 731 or 1731.5 may not be held in physical confinement for a total period of time in excess of the maximum periods of time set forth in Section 731. Nothing in this subdivision limits the power of the ~~board~~ Board of Parole Hearings to retain the minor or the young adult on parole status for the period permitted by Sections 1769, 1770, and 1771.

(3) Order reconfinement or renewed release under supervision as often as conditions indicate to be desirable.

(4) Revoke or modify any parole or disciplinary appeal order.

(5) Modify an order of discharge if conditions indicate that such modification is desirable and when that modification is to the benefit of the person committed to the ~~authority~~ Department of Corrections and Rehabilitation, Division of Youth Operations.

(6) Discharge him or her from its control when it is satisfied that discharge is consistent with the protection of the public.

(b) Within 60 days of intake, the ~~department~~ Division of Youth Operations shall provide the court and the probation department, with a treatment plan for the ward.

(c) A ward shall be entitled to an appearance hearing before a ~~review~~ panel of ~~Youth Authority Board members~~ Board of Parole Hearing commissioners for any action that would result in the extension of a parole consideration date pursuant to ~~subdivision (e) of Section 1721~~ (d) of Section 5076.1 of the Penal Code.

(d) The department shall promulgate policies and regulations to implement this section.

(e) Commencing on July 1, 2004, and annually thereafter, for the preceding fiscal year, the department shall collect and make available to the public the following information:

(1) The total number of ward case reviews conducted by the ~~department and the Youth Authority Board~~ department's Division of Youth Operations and the Board of Parole Hearings, categorized by guideline category.

- (2) The number of parole consideration dates for each category set at guideline, above guideline, and below guideline.
- (3) The number of ward case reviews resulting in a change to a parole consideration date, including the category assigned to the ward, the amount of time added to or subtracted from the parole consideration date, and the specific reason for the change.
- (4) The percentage of wards who have had a parole consideration date changed to a later date, the percentage of wards who have had a parole consideration date changed to an earlier date, and the average annual time added or subtracted per case.
- (5) The number and percentage of wards who, while confined or on parole, are charged with a new misdemeanor or felony criminal offense.
- (6) Any additional data or information identified by the department as relevant.
- (f) As used in subdivision (e), the term "ward case review" means any review of a ward that changes, maintains, or appreciably affects the programs, treatment, or placement of a ward.

~~1798. An advisory commission shall be established which shall be known as the State Commission on Juvenile Justice, Crime and Delinquency Prevention. The members of the commission shall be persons with a demonstrated interest in juvenile justice or crime and delinquency prevention issues, or representatives of youth groups or other public and private agencies with a focus on the needs of youth. The commission shall not exceed 16 members, one of whom shall be appointed by the Senate Rules Committee, one of whom shall be appointed by the Speaker of the Assembly, and four of whom shall be chairpersons of the regional citizens' advisory committees established pursuant to Section~~

~~1798.5. The remaining 10 commission members shall be appointed by the Director of the Youth Authority, and shall include one public defender and one district attorney who are currently assigned to juvenile justice duties.~~

~~The commission shall advise the Director of the Youth Authority on matters relating to this article, and its activities shall include the inspection of Youth Authority facilities, providing advice to the director regarding department programs and delinquency prevention funding, and acting as a liaison between the Youth Authority and the public. The members of the commission shall be entitled to their reasonable expenses, including travel expenses, incurred in the discharge of their duties.—Commencing July 1, 2005, the State Commission on Juvenile Justice, Crime and Delinquency Prevention is abolished.~~

~~1798.5. The Director of the Youth Authority shall appoint four regional citizens' advisory committees each of which shall assist in the inspection of the Youth Authority facilities within its region and provide public comment to the director concerning the operations of the Youth Authority. The membership of the advisory committees shall be drawn from representatives of youth groups, county juvenile justice and delinquency prevention commissions, community based organizations, charitable organizations, probation departments, the judiciary, social services, law enforcement, the defense bar, education, and the general public.~~

3150. (a) Commencing July 1, 2005, any reference to the Narcotic Addict Evaluation Authority or "authority" shall refer to the Board of Parole Hearings. Commencing July 1, 2005, any reference to the chairperson, chairman, or "chair" of the Narcotic Addict Evaluation Authority shall refer to the Chairperson of the Board of Parole Hearings. Commencing July 1, 2005, any reference to a member of the Narcotic Addict Evaluation Authority shall refer to a commissioner of the Board of Parole Hearings. ~~There is in the Youth and Adult Correctional Agency a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of seven members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, one on January 15, 1967, and one on January 15, 1968. The terms of the three members first appointed to the authority pursuant to amendments to this section enacted at the 1979-80 Regular Session of the Legislature shall expire as follows: one on January 15, 1983, one on January 15, 1984, and one on January 15, 1985. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.~~

~~(b) Each member of the authority shall devote such time to the duties of his or her office as required for performance of his or her duties and shall be entitled to an annual salary of nine thousand five hundred dollars (\$9,500) for attendance upon business of the authority. The chairman shall be entitled to an annual salary of ten thousand dollars (\$10,000). In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.~~

~~(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.~~

~~(d) (b) The authority Board shall meet at the center or its branches at such times as may be necessary for conduct a full and complete study of the cases of all patients who are certified by the Director of Corrections secretary of the Department of Corrections and Rehabilitation to the authority board as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. Where the authority performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy at least three members shall be present, and no such action shall be valid unless it is concurred in by a majority vote of those present. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business of a panel. No action shall be valid unless concurred in by a majority of the members present.~~

~~(e) (c) Members of other similar boards may be assigned to hear cases and make recommendations to the authority board on these matters. Such recommendations shall be~~

made in accordance with policies established by a majority of the total membership of the authority board.

3151. ~~After Commencing July 1, 2005, after~~ an initial period of observation and treatment, and subject to the rules and policies established by the ~~Director of Corrections Secretary of Corrections and Rehabilitation~~, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the ~~Director of Corrections~~ secretary release in an outpatient status is warranted, the ~~director~~ secretary shall certify such fact to the authority board. If the ~~director~~ secretary has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter his case shall automatically be referred to the authority board for consideration of the advisability of release in outpatient status. Upon any such certification by the ~~director~~ secretary or such automatic certification, the authority board may release such person in an outpatient status subject to all rules and regulations adopted by the authority board, and subject to all conditions imposed by the authority board whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the ~~Department of Corrections~~ Department of Corrections and Rehabilitation. Such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the ~~authority~~ Board of Parole Hearings may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority board. The written order of any member of the authority board shall be a sufficient warrant for any peace officer to return such persons to physical custody. It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

3157. ~~The Chairman of the Narcotic Addict Evaluation Authority shall have the authority of a head of a department set forth in subdivision (e) of Section 11181 of the Government Code to issue subpoenas as provided in Article 2 (commencing with, shall adopt regulations on the policies and guidelines for the issuance of regulations -~~

3158. Notwithstanding Section 11425.10 of the Government Code, Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to a release hearing or other adjudication concerning rights of a person committed to the custody of the ~~Director of Corrections~~ Secretary of Corrections and Rehabilitation conducted by the ~~Narcotic Addiction Evaluation Authority~~ Board of Parole Hearings pursuant to this chapter.

3300. There is hereby established an institution and branches, under the jurisdiction of the Department of ~~Corrections~~ Corrections and Rehabilitation, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the ~~Department of Corrections or of the Department of the Youth Authority~~ Department of Corrections and Rehabilitation, Division of Adult Operations, in halfway houses as

described in Section 3153, in such other facilities as may be made available on the grounds of other state institutions, and in city and county correctional facilities where treatment facilities are available. Branches shall not be established on the grounds of such other institutions in any manner which will result in the placement of patients of such institutions into inferior facilities. Branches placed in a facility of the State Department of Mental Health, or its successor, shall have prior approval of the Director of Mental Health, or his or her successor, and branches placed in a facility of the State Department of Developmental Services, or its successor, shall have the prior approval of the Director of Developmental Services, or his or her successor. ~~The~~ Commencing July 1, 2005, the branches in the Department of the Youth Authority's Department of Corrections and Rehabilitation, Division of Youth Operations shall be established on order of the Secretary of the Youth and Adult Correctional Agency the Department of Corrections and Rehabilitation and shall be subject to ~~the~~ his or her administrative direction of the Director of the Youth Authority. Branches placed in city or county facilities shall have prior approval of the legislative body of the city or county. Persons confined pursuant to this section in branches established in city and county correctional facilities shall be housed separately from the prisoners therein, and shall be entitled to receive treatment substantially equal to that which would be afforded such persons if confined in the main institution of the California Rehabilitation Center.

3309. ~~The Director of Corrections~~ Commencing July 1, 2005, the Secretary of Corrections and Rehabilitation shall make rules and regulations for the government of the community correctional centers in the management of their affairs.