

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
BOARD OF STATE AND COMMUNITY CORRECTIONS
REGARDING THE MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION
OF LOCAL AND JUVENILE DETENTION FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 AND 2
(BSCC 01/18)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of The Board of State and Community Corrections (BSCC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1 and 2. The BSCC proposes building standards related to minimum standards for the design and construction of local and juvenile detention facilities.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 7, 2018**, until **5:00 PM** on **October 22, 2018**. Please address your comments to:

California Building Standards Commission
Attention: Mia Marvelli, Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento CA 95833

Written comments may also be emailed to CBSC@dgs.ca.gov.

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Penal Code Section 6030, and Welfare and Institutions Code Sections 210 and 885. The purpose of these building standards is to implement, interpret, or make specific the provisions of Penal Code Sections 4032 and 6030, and Welfare and Institutions Code Sections 210 and 885.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Section 6030 of the California Penal Code and Sections 210 and 885 of the Welfare and Institutions Code authorize the BSCC to establish standards for local adult and juvenile detention facilities. The standards shall include but not be limited to the following: design and construction of local detention facilities, health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities and personnel training. Sections 6030 and 885 require the BSCC to review such standards biennially and make any appropriate revisions.

Summary of Existing Regulations

The BSCC promulgates existing standards which prescribe requirements for local adult and juvenile detention facilities. These requirements are contained in Title 24 of the California Code of Regulations (CCR); specifically, the Title 24 – Minimum Standards for the Design and Construction of Local Detention Facilities are comprised of Part 1, Section 13-102 and 13-201, and Part 2, Section 1230 and 1231.

Summary of Effect

The proposed action will update minimum standards regulations promulgated by the BSCC for juvenile and local detention facilities. Proposed amendments are intended to update terms and language to industry standard, provide improved protections for privacy and protection of staff and youth, improve accessibility of all areas of facilities, provide more home-like accommodations for youth, and ensure that areas contain proper and necessary elements, such as floor drains, examination tables, and adequate lighting.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to update regulations for local adult and juvenile detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of incarcerated persons.

Evaluation of Consistency

The BSCC has determined that the proposed regulations are not inconsistent or incompatible with existing regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

There are no other matters prescribed by statute applicable to the BSCC or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

The BSCC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: Not applicable.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

The BSCC has made an initial determination that the adoption/amendment/ repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

The proposed regulatory action will not affect businesses because the scope of these regulations is specific to the operation of local detention facilities in California.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

The proposed action does not require a report by any business or agency, so the BSCC has not made a finding of necessity for the public health, safety, or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

The BSCC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a)(10).

The BSCC has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The BSCC has determined that the proposed regulatory action will not eliminate jobs in the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The BSCC has determined that the proposed regulatory action will not create or eliminate existing businesses within the State of California.

C. The expansion of businesses currently doing business within the State of California.

The BSCC has determined that the proposed regulatory action will not expand businesses currently doing business in the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The BSCC has determined that there may be a positive impact on the health and welfare of California residents and worker's safety. The welfare of incarcerated persons and worker safety will be affected positively by the implementation of more in-depth requirements for spaces accessible to disabled persons, visiting spaces, requirements that create more home-like environments, language pertaining to protection against sexual abuse and harassment, etcetera.

The BSCC has determined that the state's environment will not be affected by the adoption of these regulations because the regulation is the subject of minimum standards for local adult and juvenile detention facilities which do not address any factors which would cause a positive or negative effect on the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

The proposed regulatory action will not impact housing because the scope of these regulations is specific to the operation of local detention facilities in California.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

The BSCC has determine that no reasonable alternative considered by the BSCC or that has otherwise been identified and brought to the attention of the BSCC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](http://www.bsc.ca.gov): www.bsc.ca.gov.

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](http://www.bsc.ca.gov): www.bsc.ca.gov

Reference: Government Code Section 11346.5(a)(21).

The BSCC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916
Michael.Nearman@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Ginger Wolfe, Standards and Compliance Officer
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
ginger.wolfe@bscc.ca.gov
Telephone: (916) 621-2886
Facsimile: (916) 322-2461
(or)
Eloisa Tuitama, Field Representative
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
eloisa.tuitama@bscc.ca.gov
Telephone: (916) 341-7328