

**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 01/22)**

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 is proposing building standards related to minimum standards for the design and construction of local 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 **March 10, 2023**, until midnight on **April 24, 2023**.

Comments may be submitted to BSCC via:

Email: regulations@bscc.ca.gov

US Mail postmarked no later than April 24, 2023:

Board of State and Community Corrections
Attention: Public Comments
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC 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, BSCC 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 BSCC adopts, amends, or repeals the regulation(s). BSCC 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 purpose of these building standards is to implement, interpret, or make specific the provisions of Penal Code Sections 6029 and 6030.

The BSCC is proposing this regulatory action based on Penal Code 6030.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Penal Code Section 6030 authorizes the BSCC to establish minimum standards for local detention facilities. The minimum standards include but are not limited to, health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities and personnel training. Penal Code Section 6030 also requires the BSCC to review those standards biennially and make any appropriate revisions.

Summary of Existing Regulations

The BSCC promulgates the existing standards which prescribe requirements for local detention facilities. These existing standards are codified in Title 24 Minimum Standards for the Design and Construction of Local Detention Facilities, Part 1, and Part 2 of the California Code of Regulations; and Title 15 Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 4 of the California Code of Regulations.

Summary of Effect

The proposed regulations will update adult Title 24, Part 1 and 2, by amending and adopting new definitions and requirements that align with requirements in adult Title 24 Minimum Standards for the Design and Construction of Local Detention Facilities. Among other various updates, the proposed revisions will update existing definitions and requirements to reflect current best practices, update outdated and inappropriate terminologies, specify design criteria, provide further protection against suicide risk, and ensure consistency with the proposed changes in Title 15.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed regulations is to update the regulatory requirements for local detention facilities in alignment with current industry practices, consistency with the proposed changes in Title 15; these proposed regulations also enhance the safety and security of staff and incarcerated persons.

Evaluation of Consistency

The BSCC has determined the proposed regulations are consistent and compatible with existing state 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).

The BSCC has determined that there are no other matters prescribed by statute applicable to the BSCC or to any specific regulations 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: N/A

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

Declaration of Evidence

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

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

The proposed regulations are specific to the design and construction of adult local detention facilities owned and operated by counties and cities in California. No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

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

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

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

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 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 regulations will not create or eliminate jobs within 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 regulations 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 regulations will not result in expansion of businesses currently doing business within 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 will be positive impacts on the health and welfare of incarcerated adults in local detention facilities, and the proposed revisions will ensure alignment with the intent of rehabilitation and an improved safety; provide more clarity and consistency of the language throughout the regulations; significant improvement to the health and welfare of incarcerated adults in local detention facilities, and an increased overall safety for facility staff, incarcerated persons and visitors at each facility.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

BSCC has determined there would be no cost to comply with these proposed building standards. The BSCC does not have authority to impose building standards or regulations applicable to housing.

CONSIDERATION OF ALTERNATIVES

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

The BSCC has determined 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. In addition, no reasonable alternative considered by the BSCC or that has otherwise been identified and brought to the attention of the BSCC 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](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

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](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

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

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. The statement shall note that providing the accessible 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:

Kevin Day
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

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

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

Primary Contact:

Lindsay Tu, Staff Services Manager I
Board of State and Community Corrections
Facilities Standards and Operations Division
(916) 324-1959
lindsay.tu@bscc.ca.gov

Back up Contact:

Ginger Wolfe, Staff Services Manager II
Board of State and Community Corrections
Facilities Standards and Operations Division
(916) 621-2886
ginger.wolfe@bscc.ca.gov