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THIRD READING

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Bill No: AB 799  
Author: Celeste Rodriguez (D), et al.  
Amended: 8/29/25 in Senate  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/10/25  
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25  
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 5/1/25 (Consent) - See last page for vote

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**SUBJECT:** Prisons: death benefit for incarcerated firefighters

**SOURCE:** Initiate Justice Action

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**DIGEST:** This bill requires the Department of Corrections and Rehabilitation (CDCR) to pay a death benefit, as specified, for the death of any incarcerated hand crew members in the California Conservation Camp program.

**ANALYSIS:**

Existing law:

- 1) Establishes CDCR and the state's prisons. (Government Code, § 12383, subd. (a); Penal Code (PEN) §§ 5000, 5003.)
- 2) Establishes the California Conservation Camp program to provide for the training and use of incarcerated individuals and wards assigned to the camps to perform public conservation projects. (Public Resources Code (PRC), § 4951.)
- 3) Provides that "California Conservation Camps" or "camps" as "any camps now or hereafter established, as provided by law, for the purpose of receiving

prisoners committed to the custody of the Director of Corrections and wards committed to the Director of the Youth Authority, and in which the work projects performed by the inmates or wards are supervised by employees of the department.” (PRC § 4952.)

- 4) Authorizes any department, division, bureau, commission or other agency of the State of California or the Federal Government to use individuals confined in the state prisons to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps. (Penal Code (PEN) § 2780.)
- 5) Authorizes CDCR, during declared fire emergencies, to allow the Director of the Department of Forestry and Fire Protection (CAL Fire) to use incarcerated individuals for fire suppression efforts outside of the boundaries of California, not to exceed a distance in excess of 25 miles from the California border, along the borders of Oregon, Nevada, or Arizona. (PEN § 2780.5.)
- 6) Provides that each person incarcerated in a state penal or correctional institution is entitled to workers’ compensation benefits for an injury arising out of and in the course of assigned employment and for the death of the incarcerated person if the injury proximately causes death, subject to all of the following conditions:
  - a) The incarcerated person was not injured as the result of an assault in which the person was the initial aggressor, or as the result of the intentional act of the person injuring himself or herself.
  - b) Prohibits the incarcerated person from being entitled to any temporary disability indemnity benefits while incarcerated in a state prison.
  - c) Prohibits benefits from being paid to an incarcerated person while incarcerated. Provides that the period of benefit payment commences upon release from incarceration. Provides that for a person who has been released from incarceration and has been receiving benefits, the benefits cease immediately upon the person’s re-incarceration and are prohibited from being paid for the duration of the re-incarceration in a city or county jail, or state penal or correctional institution.
  - d) Prohibits the provisions related to workers’ compensation benefits from being construed to provide for the payment of temporary disability benefits which were not paid to an incarcerated person, upon release from incarceration.
  - e) Provides that the average weekly earnings be taken at not more than the minimum amount set forth in existing law in determining temporary and permanent disability indemnity benefits for the incarcerated person.

- f) Authorizes the incarcerated person to file an application with the appeals board when a dispute exists regarding the person's rights to workers' compensation benefits. Provides that the application may be filed at any time during the incarcerated person's incarceration.
  - g) Provides that the formerly incarcerated person has one year after release or discharge from a correctional institution to file an original application with the appeals board unless the time of injury is such that it would allow more time, as specified.
  - h) Provides that the percentage of disability to total disability is determined as for the occupation of a laborer of like age by applying the schedule for the determination of the percentages of permanent disabilities prepared and adopted by the administrative director.
  - i) Provides that the above provisions of law are the exclusive remedy against the state for injuries occurring while engaged in assigned work or work under contract. Provides that nothing in these provisions affects any right or remedy of an injured incarcerated person for injuries not compensated by these provisions of law. (Labor Code (LAB) § 3370, subd. (a).)
- 7) Requires CDCR to present to each incarcerated person of a state penal or correctional institution, prior to his or her first assignment to work at the institution, a printed statement of their rights, and a description of procedures to be followed in filing for benefits. Requires the statement to be posted in a conspicuous place at each place where an incarcerated person works. (LAB § 3370, subd. (b).)
- 8) Requires CDCR to have medical control over treatment provided an injured incarcerated person while incarcerated in a state prison, except, that in serious cases, the incarcerated person is entitled, upon request, to the services of a consulting physician. (LAB § 3370, subd. (b).)

This bill:

- 1) Requires CDCR, notwithstanding existing labor laws, to pay a death benefit in an amount calculated, as specified, for the death of any state prison incarcerated individual hand crew member assigned to the California Conservation Camp program.
- 2) Requires the death benefit to be paid within 60 days of the death of an incarcerated individual hand crew member to the beneficiary designated by the

crew member to receive the death benefit if the crew member dies during any of the following circumstances:

- a) During, and resulting from, the performance of their duties on active deployment.
  - b) During, and resulting from, the performance of their duties completing firefighter Conservation Camp training exercises.
  - c) While physically or mentally incapacitated due to and resulting from the performance of their duties on active deployment or while completing firefighter Conservation Camp training.
- 3) Requires the death benefit to be the sum of the following amounts: \$50,000 and an amount equal to 50 percent of the annual compensation earned by the deceased crew member during the 12 months immediately preceding the death of the crew member.

## **Background**

CDCR, in cooperation with Cal Fire and the Los Angeles County Fire Department, jointly operates 35 conservation camps, commonly referred to as fire camps, in 25 counties across the state. Conservation Camp Program participants support state, local, and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters, and complete community service projects when not assigned to an emergency. All fire camps are minimum-security facilities which are overseen by CDCR employees. Participants are supervised by Cal Fire staff when responding to a wildfire or working on a conservation project. (See <<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/> .)

Incarcerated individual participating in fire camps receive the same entry-level training as Cal Fire's seasonal firefighters as well as ongoing training from Cal Fire throughout their time in the program. An incarcerated person must volunteer for the fire camp program, and some individuals are ineligible for fire camp assignment based on their convictions, including convictions for sex offenses, arson, and escape with force or violence. (<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/>.)

Individuals who volunteer for fire camp must complete Cal Fire's Firefighting Training Program, and program participants become certified wildland firefighters

after completing this training. (<<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/> )

Labor Code Section 3370 provides that incarcerated individuals assigned to the fire camps are eligible for workers' compensation which is the exclusive remedy for injuries and death arising out of the and in the course of their assigned employment. (LAB § 3370, subd. (a).) Labor Code Section 3370 provides that incarcerated individuals are not entitled to benefits while incarcerated, and that benefits commence upon release. (LAB § 3370, subd. (a)(3).)

This bill requires CDCR to pay a death benefit for the death of any incarcerated individual who is a hand crew member assigned to the fire camp program. This provision of the bill states that it applies notwithstanding Labor Code Section 3370 language related to that code section being the exclusive remedy for workplace injuries and deaths of incarcerated individuals. This bill requires the death benefit to be paid within 60 days of the death of an incarcerated individual hand crew member to the beneficiary designated by the crew member to receive the death benefit if the crew member dies during any of the following circumstances: during and resulting from the performance of their duties on active deployment; during and resulting from the performance of their duties completing firefighter Conservation Camp training exercises; or while physically or mentally incapacitated due to and resulting from the performance of their duties on active deployment or while completing firefighter Conservation Camp training. This bill additionally requires the death benefit to be \$50,000 plus 50 percent of the annual compensation earned by the deceased crew member during the 12 months immediately preceding their death.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

CDCR anticipates that this bill will result in minimal ongoing General Fund costs given the limited number of firefighter deaths over the previous decade. However, these costs could be increased significantly depending on the interpretation of the language around physical and mental incapacitation of incarcerated firefighters in this bill. Currently, data is not available on the number of hand crewmembers who have become mentally or physically incapacitated. Regarding the average annual compensation for fire camp participants, CDCR indicates high-level estimates for calendar year 2022 at \$719.26 and 2023 at \$754.76.

**SUPPORT:** (Verified 8/29/25)

Initiate Justice Action (source)  
 ACLU California Action  
 California Forestry Association  
 California Public Defenders Association  
 Californians United for a Responsible Budget  
 Courage California  
 Debt Free Justice California  
 Ella Baker Center for Human Rights  
 Friends Committee on Legislation of California  
 Grip Training Institute  
 Initiate Justice  
 Justice2Jobs Coalition  
 La Defensa  
 Prosecutors Alliance of California  
 San Francisco Public Defender  
 Sister Warriors Freedom Coalition  
 Smart Justice California  
 The Forestry and Fire Recruitment Program  
 The W. Haywood Burns Institute  
 Vera Institute of Justice

**OPPOSITION:** (Verified 8/29/25)

None received

**ASSEMBLY FLOOR:** 76-0, 5/1/25

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías,  
 Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon,  
 Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis,  
 Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González,  
 Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell,  
 Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Patel,  
 Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste  
 Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo,  
 Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis,  
 Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Chen, McKinnor, Papan

Prepared by: Stephanie Jordan / PUB. S. /

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**\*\*\*\* END \*\*\*\***