

Date of Hearing: March 25, 2025

Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 809 (Quirk-Silva) – As Amended March 10, 2025

As Proposed to Amended in Committee

SUMMARY: Requires the California Department of Corrections and Rehabilitation (CDCR) to report to the Legislature information on the availability of academic and vocational education space in CDCR facilities. Specifically, **this bill:** Requires CDCR, on or before January 1, 2028, and annually thereafter, to collect and report all of the following information to the Legislature:

- 1) The amount of space available for academic and vocational education;
- 2) The amount of space currently being used for other purposes that reasonably could be converted to be available for academic and vocational education;
- 3) The extent to which that space is being used; and,
- 4) The amount of the deficit or surplus of space available for academic and vocational education at each prison.

EXISTING LAW:

- 1) Provides that it is the intent of the Legislature that CDCR shall regularly provide operational and fiscal information to the Legislature to allow it to better assess the performance of the department in critical areas of operations, including to both evaluate the effectiveness of department programs and activities, as well as assess how efficiently the department is using state resources. (Pen. Code, § 2063, subd. (a).)
- 2) Requires CDCR, no later than January 10 of each year, to provide to the Joint Legislative Budget Committee operational and fiscal information to be displayed in the Governor's proposed budget. (Pen. Code, § 2063, subd. (b).)
- 3) Requires CDCR to include data for the three most recently ended fiscal years, including the number of established teacher and vocational instructor positions and the percent of those positions vacant (Pen. Code, § 2063, subd. (b)(3)(L) & (M).)
- 4) Requires CDCR to also include, for both adult and juvenile facilities, the number of budgeted slots, actual enrollment, and average daily attendance for institutional academic and vocational education and substance abuse programs. (Pen. Code, § 2063, subd. (b)(9).)
- 5) Requires CDCR, no later than January 10 of each year, to provide to the Joint Legislative Budget Committee a supplemental report containing data on the operational level and

outcomes associated with, among other things, both of the following:

- a) Adult prison education and treatment programs, including academic education, vocational training, prison industries, substance abuse treatment, and sex offender treatment; and
- b) Juvenile institutional education and treatment program, including academic education, vocational training, substance abuse treatment, and sex offender treatment. (Pen. Code, § 2063, subd. (c)(2) & (7).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Prison should be about more than punishment. It should be about rehabilitation and reducing recidivism. Right now, we lack the hard data to make sure our resources are being used effectively. California spends \$14.5 billion on corrections each year, and the public deserves to know how that money is spent. AB 809 will make sure the California Department of Corrections shows us exactly how much space is being used for education and vocational programs and where we can make improvements. This bill will help transform our prisons into places where inmates have the chance to rebuild their lives and reduce the burden on our system."
- 2) **Space Utilization in CDCR Facilities:** This bill would require CDCR to report to the Legislature information on the availability of academic and vocational education space in CDCR facilities. According to CDCR:

Within the numerous considerations made when appropriately housing incarcerated individuals across CDCR's system, fundamentally the Department's goal is to provide access to rehabilitation, while meeting the medical, safety, and security needs of the population at each institution. However, despite site collaboration, creating multi-functional classrooms, utilizing alternative schedules and peer literacy mentors, competition for physical space remains one of the most significant barriers to increasing access.

As the Department continues to increase educational and other programming opportunities with an emphasis on face-to-face classes, there will continue to be challenges across the institutions to appropriately meet the needs of the population with existing infrastructure.

The assessment demonstrates how nearly every institution can achieve robust programming access when their population is near design capacity, but each 10 percent increase in the population beyond its intended design reduces the percentage of the population able to be fully served.¹

¹ CDCR, Capacity Assessment 2024, at p. 3-4 <<https://www.cdcr.ca.gov/research/population-reports-2/>> [last visited Mar. 19, 2025].

Because many facilities were built in an era that placed less emphasis on rehabilitative programming, CDCR acknowledged the need to “deliberately reaffirm its commitment to effectively enhancing access to programming,” which will require “evaluating capacity...at each institution.”²

Similarly, the Legislative Analyst’s Office recent report on community college programs in state prisons observed “a lack of sufficient space to hold-in person courses.”³ LAO reported, “CDCR lacks a comprehensive assessment of its space utilization.”⁴ It recommended “[d]irect[ing] CDCR to collect data and report biennially on space utilization,” as well as the “adopt[ion] of statutory space and utilization standards.”⁵

This bill would require the CDCR to report to the Legislature information on the availability of academic and vocational education space in CDCR facilities. Specifically, it would require reporting on the amount of space available for academic and vocational education, the amount of space currently being sued for other purpose that reasonably could be converted to be available for academic and vocational education, the extent to which the space is being used for those purposes, and the amount of the deficit or surplus of space available for those purposes.

3) Related Legislation:

- a) AB 701 (Ortega), would require the Department of Justice (DOJ) to study the use of solitary confinement in all jails, prisons, and private detention facilities operating within the State of California. AB 701 is scheduled for hearing today in this committee.
- b) AB 788 (Quirk-Silva), would create within CDCR, and under the Undersecretary for Operations, the Division of Female Programs and Services. This bill is pending hearing in this committee.

4) **Prior Legislation:** AB 857 (Ortega), Chapter 167, Statutes of 2023, required CDCR to provide each inmate, upon release and regardless of speculative eligibility, informational written materials in a format prescribed by the Department of Rehabilitation (DOR) for vocational rehabilitation services and independent living programs, and an application for vocational rehabilitation services.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

² *Id.* at p. 5.

³ Legislative Analyst’s Office, Assessing Community College Programs at State Prisons (July 1, 2024 <<https://lao.ca.gov/Publications/Report/4913 - Recommendations>> [last visited Mar. 19, 2025].

⁴ *Ibid.*

⁵ *Ibid.*

None on file.

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