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UNFINISHED BUSINESS

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Bill No: SB 553  
Author: Cortese (D)  
Amended: 9/2/25 in Assembly  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/1/25  
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25  
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab  
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25  
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,  
Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez,  
Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello,  
Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas,  
Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener  
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 63-0, 9/12/25 – Roll call vote not available.

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**SUBJECT:** Prisons: clearances

**SOURCE:** California Innocence Coalition  
Initiate Justice

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**DIGEST:** This bill expands existing law to allow legal professionals and attorney support personnel to apply for short-term, annual, and statewide clearances in order to enter the state's prisons; and requires the California Department of Corrections and Rehabilitation (CDCR) to grant short-term gate clearance, upon request, to specified individuals.

*Assembly Amendments* of 9/2/25 remove the provision requiring CDCR to create standardized clearance forms for legal professionals to apply for annual clearances, and instead, amend existing laws pertaining to short-term, annual, and statewide clearances to add legal professionals and attorney support personnel.

## **ANALYSIS:**

Existing law:

- 1) Enumerates civil rights held by incarcerated individuals, including the right to correspond, confidentially, with any member of the State Bar or holder of public office, provided that the prison authorities may open and inspect incoming mail to search for contraband. (Penal (Pen.) Code, § 2601, subd. (b).)
- 2) Includes the following definitions:
  - a) “Annual clearance” refers to a clearance allowing a program provider to enter one institution for a full calendar year.
  - b) “Institution” refers to a California state prison.
  - c) “Program provider” refers to an individual affiliated with a nonprofit organization or a volunteer that originates outside CDCR and provides rehabilitative programming to incarcerated people.
  - d) “Program provider identification card” refers to an identification card that allows a program provider to enter a specified institution without a sponsor.
  - e) “Short-term clearance” refers to a clearance that allows a program provider to enter an institution for three or fewer days per specific event.
  - f) “Sponsor” refers to correctional staff at an institution assigned to escort program providers within the institution.
  - g) “Statewide program provider clearance” refers to a clearance status provided to a program provider entering more than three institutions on a routine basis consistent with their program provider status and entitles them to a program provider identification card. (Pen. Code, § 7460.)
- 3) Requires CDCR to provide forms to the institution for short-term clearances for program providers. Requires an institution to use the forms provided by the department to process the short-term clearance and prohibits an institution from requiring additional institution-specific “local” forms. (Pen. Code, § 7461, subd. (a).)
- 4) Requires CDCR provide a standardized clearance packet to the institution for annual clearances. Requires an institution to use the clearance packet provided

by the department, and prohibits an institution from requiring additional institution-specific “local” forms. (Pen. Code, § 7462, subd. (a).)

- 5) Delineates the process for a program provider to apply for short-term and annual clearance. (Pen. Code, §§ 7462, 7463, 7264.)

This bill:

- 1) Defines “legal professional” as an attorney or attorney representative.
- 2) Defines an attorney representative as any of the following:
  - a) A private investigator licensed by any state and sponsored by the attorney or appointed by the court.
  - b) An investigator who is employed by a government agency, public agency, or public institution.
  - c) A law student sponsored by the attorney.
  - d) A legal paraprofessional sponsored by the attorney or appointed by the court.
  - e) An employee of an attorney, legitimate legal service organization, or licensed private investigator who is sponsored by the attorney or licensed private investigator.
- 3) Requires a legal professional applying for an annual clearance to renew their clearance annually.
- 4) Requires CDCR to accept applications for statewide-gate clearance from qualified legal professionals. Requires approved applicants to renew annually.
- 5) Requires that the following individuals be granted short-term clearance without the requirement to apply for a clearance for all CDCR facilities upon request:
  - a) The Governor and all cabinet members.
  - b) Members of the Legislature and legislative staff.
  - c) Current judges of the State of California.
- 6) Makes other technical and conforming changes.

## **Background**

Regulations outline the processes by which attorney visits are approved and conducted. An attorney visit is defined as “a private consultation between an incarcerated person and their attorney or attorney representative.” (Cal. Code of Regs., tit. 15, § 3178, subd. (b).) Regulations require attorney visiting to be accommodated during a prison’s regularly scheduled visiting days and hours, and where regular visiting is scheduled on both weekdays and weekends, the scheduling preference is for weekdays. (*Ibid.*) When a prison’s visiting schedule only provides for visiting on weekends, an attorney visit is required to be scheduled during normal weekday business hours upon written request of the attorney or attorney representative. (*Ibid.*) If an attorney or attorney representative does not desire private accommodations, the attorney or attorney representative may visit the incarcerated person on any scheduled visiting day and be provided the same accommodations as a regular visitor. (*Ibid.*)

An attorney or court may designate other individuals to act on the attorney’s behalf as attorney representatives. (California (Cal.) Code of Regulations (Regs.), tit. 15, § 3178, subd. (c).) Regulations define attorney representatives as one of the following: a private investigator licensed by any state and sponsored by the attorney or appointed by the court; an investigator who is employed by a government agency, public agency, or public institution; a law student sponsored by the attorney, a legal paraprofessional sponsored by the attorney or appointed by the court; or an employee of an attorney, legitimate legal service organization, or licensed private investigator who is sponsored by the attorney or licensed private investigator. (Cal. Code of Regs., tit. 15, § 3178, subd. (c)(1).) Personnel retained by an attorney or attorney representative, including, but not limited to certified sign language interpreters, certified language interpreters, and court reporters may accompany the attorney or attorney representative during the private consultation. (Cal. Code of Regs., tit. 15, § 3178, subd. (c)(2).) Licensed mental or medical health care professionals may also serve as attorney representatives and do not have to be accompanied by the attorney. (*Ibid.*) If a person is designated as an attorney representative, the designation must be in writing and signed by the attorney or judge. (Cal. Code of Regs., tit. 15, § 3178, subd. (c)(3).) Attorney representatives must be afforded the same accommodations and services, and are subject to the same rules and regulations, as an attorney. (Cal. Code of Regs., tit. 15, § 3178, subd. (c)(4).)

An attorney who wants to consult in person with an incarcerated person is required to contact the prison at which the incarcerated person is housed, and the request for the in-person consultation must be made by phone or in writing to the designated staff person at the prison. (Cal. Code of Regs., tit. 15, § 3178, subd. (d).)

Regulations specify the information an attorney must provide in order to obtain approval and clearance to visit, including name, date of birth, and proof of current registry and good standing with a governing bar association, among other things. (*Ibid.*) Additionally, attorneys requesting an in-person consultation must also report any prior felony convictions, explain any prior suspension or exclusion from a correctional facility, and declare one or more of the following:

- They are the incarcerated person's attorney either by appointment by the court or at the incarcerated person's request;
  - They have been requested by a judge to interview a named incarcerated person for purposes of possible appointment as counsel by the same court;
  - They are requesting to visit an incarcerated person who may be a witness directly relevant to a legal process, purpose, or proceeding;
  - They are seeking to interview a named incarcerated person, at the request of the incarcerated person, for the purpose of representation of the incarcerated person in a legal process, for a legal purpose or in a legal proceeding.
  - They have been requested by a third party to consult with the incarcerated person when the incarcerated person cannot do so because of a medical condition, disability, or other circumstance.
- (Cal. Code of Regs., tit. 15, § 3178, subd. (d)(1)-(5).)

After a request for an attorney visit is made, a background check is performed and the attorney's state bar membership and status is verified. (Cal. Code of Regs., tit. 15, § 3178, subd. (f).) Once the clearance and state bar verification have been obtained and approved, the attorney is contacted to schedule the initial in-person visit with the specified incarcerated person. (*Ibid.*)

An approved attorney or approved attorney representative must provide a prison with no less than two business days' notice to schedule a private consultation with an incarcerated person. (Cal. Code of Regs., tit. 15, § 3178, subd. (g).) In an emergency, appointment requests may be cleared through the institution head. (*Ibid.*) The approved attorney is processed into the prison in the same manner and under the same restrictions as regular visitors. (Cal. Code of Regs., tit. 15, § 3178, subd. (h).) Attorneys must present their state bar card or other similar documentation that they are currently registered in good standing with a state bar association. (*Ibid.*) Not more than two attorneys or attorney representatives may visit privately with an incarcerated person or witness at the same time but exceptions may be authorized by the official in charge of visiting commensurate with space and staff availability. (Cal. Code of Regs., tit. 15, § 3178, subd. (l).)

The provisions in this bill were modeled after AB 581 (Carrillo), Chapter 335, Statutes of 2023, which established uniform standards for program providers to apply for and obtain annual and short-term clearances in order to visit the state's prisons. AB 581 was introduced, in part, due to the variation between different prisons with respect to the requirements for program providers seeking to obtain clearances. The proponents of this bill contend that there is a lack of uniformity regarding clearances for attorneys and attorney representatives which has created an unnecessary burden for obtaining approval for prison visits. To address that issue, this bill adds legal professionals and attorney support personnel to provisions of law pertaining to short-term, annual, and statewide clearances.

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

According to the Assembly Appropriations Committee:

Costs (General Fund) to CDCR of an unknown but potentially significant amount to integrate legal professionals into its existing annual clearance process and process additional annual clearance applications on an ongoing basis.

**SUPPORT:** (Verified 9/08/25)

California Innocence Coalition (co-source)  
Initiate Justice (co-source)  
ACLU California Action  
California Alliance for Youth and Community Justice  
California Association of Licensed Investigators  
California Attorneys for Criminal Justice  
California Coalition for Women Prisoners  
California Public Defenders Association  
Californians for Safety and Justice  
Californians United for A Responsible Budget  
Courage California  
Ella Baker Center for Human Rights  
FAMM  
Felony Murder Elimination Project  
Grip Training Institute  
Initiate Justice Action  
LA County Public Defenders Union, Local 148  
Land Together  
Legal Services for Prisoners with Children  
Prosecutors Alliance Action

Rubicon Programs  
San Francisco Public Defender  
Smart Justice California  
UnCommon Law  
University of San Francisco School of Law, Racial Justice Clinic

**OPPOSITION:** (Verified 9/08/25)

None received

Prepared by: Stephanie Jordan / PUB. S. /  
9/12/25 16:55:08

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