

**State of California  
Office of Administrative Law**

In re:

Department of Corrections and  
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Amend sections: 3140

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6, and Penal Code Section 5058.3

OAL File No. 2011-0613-02 EON

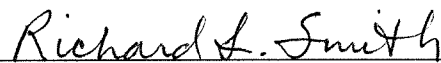
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The Department of Corrections and Rehabilitation submitted this emergency action, pursuant to the operational necessity provisions of Penal Code section 5058.3, to amend title 15, California Code of Regulations, section 3140. Section 3140 currently allows funds from money orders and certified checks sent to an inmate from the public to be placed, upon receipt, into an inmate's trust account and available for spending by the inmate. This action amends Section 3140 to require that funds from money orders clear the bank before they are released to an inmate.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code, and section 5058.3 of the Penal Code.

This emergency regulatory action is effective on 6/27/2011 and will expire on 12/6/2011. The Certificate of Compliance for this action is due no later than 12/5/2011.

Date: 6/27/2011



Richard L. Smith  
Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/  
Acting Director

Original: Matthew Cate  
Copy: Gail Long

# EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED  
IN THE OFFICE OF

2011 JUN 27 PM 2:17

STD. 400 (REV. 01-09)

OAL FILE NUMBERS <b>Z-</b>	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2011-0613-02EDN</b>
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For use by Office of Administrative Law (OAL) only

2011 JUN 13 PM 1:36

OFFICE OF ADMINISTRATIVE LAW

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY California Department of Corrections and Rehabilitation	AGENCY FILE NUMBER (if any) 11-0073
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### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Funds Enclosed in Correspondence	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND 3140
TITLE(S) 15	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>PC 5058.3 Cert. OP. Nec</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Gail Long	TELEPHONE NUMBER (916) 445-2276	FAX NUMBER (Optional) (916)324-6075	E-MAIL ADDRESS (Optional) Gail.Long@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Scott Kernan</i>	DATE 6-10-11
TYPED NAME AND TITLE OF SIGNATORY SCOTT KERNAN, Undersecretary, Operations	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 27 2011

Office of Administrative Law

## TEXT OF PROPOSED REGULATIONS

In the following text, underline indicates adopted or amended text and ~~strikethrough~~ indicates deleted text.

### Article 4. Mail

#### 3140. Funds Enclosed in Correspondence.

**Subsection 3140(a) is unchanged but is shown as reference.**

(a) Funds may be mailed to an inmate in the form of a money order, certified check, personal check, or any other negotiable means except cash and Travelers Checks.

**Subsections 3140(a)(1) through 3140(c)(2) are unchanged.**

**Subsection 3140(d) is amended to read:**

(d) Funds not in the form of ~~money orders or~~ certified checks shall not be released for spending by the inmate until the funds have cleared the bank upon which they were drawn. When personal checks or money orders are received, the face of the envelope in which the ~~check funds was were~~ received shall be imprinted with a stamp that indicating reads that the personal check has the funds have been accepted at this time. This stamp is not intended to indicate that the funds are immediately available for inmate use, but only that the funds were accepted for processing by the department.

**Subsection 3140(e) is unchanged.**

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.