State of California
Office of Administrative Law

In re:
Department of Corrections and Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3371.1
Amend sections: 3043.7, 3044
Repeal sections: 3371.1

NOTICE OF APPROVAL OF EMERGENCY REGULATORY ACTION

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

OAL Matter Number: 2018-0518-03

OAL Matter Type: Emergency Operational Necessity (EON)

This emergency by operational necessity pursuant to Penal Code section 5058.3 is a readopt of OAL File No. 2017-1212-02EON. This action (1) clarifies procedures for assigning inmates to work groups, privilege groups and special assignments; (2) clarifies how hospitalizations and unassigned statuses impact assignments; (3) specifies credit earning eligibility of inmates placed in segregated housing; (4) implements processes for awarding Good Conduct Credit; and (5) adopts definitions and guidelines related to the computation of term and credits.

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 6/12/2018 and will expire on 9/11/2018. The Certificate of Compliance for this action is due no later than 9/10/2018.

Date: June 7, 2018

Amy R. Gowan
Attorney

For: Debra M. Cornez
Director

Original: Scott Kernan, Secretary
Copy: Laura Lomonaco

STATE OF CALIFORNIA–OFFICE OF ADMINISTRATIVE LAW

EMERGENCY

NOTICE PUBLICATION/REGULATION SUBMISSION (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2018-0518-03EON	

For use by Office of Administrative Law (OAL) only

2018 MAY 18 P 2:14

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

ENDORSED - FILED
in the office of the Secretary of State
of the State of California
JUN 07 2018
3:42 PM

AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (If any)
17-0373

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	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Inmate Work/Privilege Groups and Computation of Term and Credit	2017-1212-02EON

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	
	ADOPT: 3371.1
	AMEND: 3043.7 and 3044
TITLE(S): Title 15	REPEAL: 3371.1

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ Emergency (Gov. Code, §11346.1(b))
- ☐ 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.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☒ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ File & Print
- ☒ Other (Specify) Emergency OP. Necessity PC 5058.3
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

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)

- ☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- ☐ Effective on filing with Secretary of State
- ☐ §100 Changes Without Regulatory Effect
- ☒ Effective other (Specify) June 12, 2018

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify)

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Laura Lomonaco, CCII	916-445-2217		

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 — DATE: 5-16-18

TYPED NAME AND TITLE OF SIGNATORY
Scott Kernan, Secretary CDCR

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED
JUN 07 2018
Office of Administrative Law

In the following for rule making file 2017-1212-02EON, the proposed text originally submitted to Office of Administrative Law and approved on an emergency basis are indicated by single underline for new text and ~~single strikethrough~~ for text deleted. Amendments to the proposed text originally submitted are indicated by double underline for additions and double ~~strikethrough~~ for deletions.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 3.5 Credits.

Section 3043.7 Special Assignments.

(a) Special assignments include:

(1) ~~Inmate advisory council.~~ The positions of chairperson and secretary of an institution's inmate advisory council may qualify as a ~~be~~ full-time assignment to~~positions in~~ Work Group A-1.

(2) ~~Prerelease program.~~ Assignment to an approved full-time pre-release program shall qualify as a full-time assignment to~~in~~ Work Group A-1.

(3) Any Reentry ~~Hub~~ program assignment shall qualify as a full-time assignment to~~in~~ Work Group A-1.

(b) Short Term Medical~~/~~ or ~~p~~Psychiatric ~~i~~Inpatient ~~h~~Hospitalization (29 calendar days or less). Inmates determined by medical~~/~~ or mental health~~psychiatric~~ staff to need short-term inpatient care shall retain their existing credit earning category. Inmates requiring longer periods of inpatient care shall be referred by the attending physician~~/~~ or mental health clinician~~psychiatrist~~ to a classification committee for review. The classification committee shall confirm the inmate's unassigned inpatient category and change the inmate's work~~/~~ or training group status as follows:

(1) A ~~G~~general population inmates shall be assigned to ~~placed in~~ Work Group A-2, effective the thirtieth calendar day of unassignment, unless the inmate is assigned to Work Group C or Work Group M in accordance with sections 3044(b)(4) or 3044(b)(8).

(2) ~~Segregation~~ An inmates who ~~are~~is ~~in~~ assigned to Work Group A-1, ~~or~~ Work Group B, Work Group F, or Work Group M and placed in segregated housing shall be assigned to~~placed in~~ Work Group D-1, effective the first day of placement into Administrative Segregation, unless the inmate is assigned to Work Group D-2, Work Group F, or Work Group M in accordance with sections 3044(b)(6), 3044(b)(7)(D), 3044(b)(7)(E), 3044(b)(8)(E), or 3044(b)(8)(F).

(3) Segregation inmates assigned to~~in~~ Work Group D-1 or D-2 shall retain their ~~W~~work ~~G~~group status.

(c) Long ~~t~~Term ~~m~~Medical~~/~~ or ~~p~~Psychiatric ~~u~~Unassigned ~~s~~Status. In cases where the health condition necessitates that the inmate becomes medically unassigned for 30 calendar days or more, the physician or mental health clinician shall specify an anticipated date the inmate may return to work. The classification committee shall review the inmate's medical or psychiatric unassigned status and change the inmate's ~~W~~work ~~G~~group status as follows:

(1) An inmate in the general population shall be re-assigned~~changed~~ to Work Group A-2, involuntary unassigned, ~~to be~~ effective the thirtieth calendar day of un-assignment, unless the inmate is assigned to Work Group C or Work Group M in accordance with sections 3044(b)(4) or 3044(b)(8).

(2) An inmate ~~in a lockup unit~~ who is assigned to~~who is in~~ Work Group A-1, ~~or~~ Work Group B, Work Group F, or Work Group M and placed in segregated housing shall be re-assigned ~~changed~~ to Work Group D-1, ~~to be~~ effective the first day of placement into Administrative Segregation, unless the inmate is assigned to Work Group D-2, Work Group F, or Work Group M in accordance with sections 3044(b)(6), 3044(b)(7)(D), 3044(b)(7)(E), 3044(b)(8)(E), or 3044(b)(8)(F).

(3) An inmate in ~~a lockup unit~~segregated housing who is assigned to~~in~~ Work ~~g~~Group D-1 or D-2 shall be retained in their respective ~~W~~work ~~G~~group.

(d) Medical~~/~~ or mental ~~psychiatric~~ health care status determination:

(1) When an inmate has a disability that limits his~~/~~ or her ability to participate in a work, academic, Career Technical Education program or other such program, medical~~/~~ or mental health ~~psychiatric~~ staff shall document the nature, severity, and expected duration of the inmate's limitations on a CDC Form 128-C (Rev. 1/96), Chrono-Medical, Psychiatric, Dental. The medical~~/~~ or mental health~~psychiatric~~ staff shall not make program assignment recommendations or decisions on the form. The CDC Form 128-C shall then be forwarded to the inmate's assigned correctional counselor who shall refer ~~will schedule~~ the inmate to~~for~~ a classification committee for review. The classification committee shall have ~~the~~ sole responsibility for making program assignment and work group status decisions. Based on the information on~~f~~ the CDC Form 128-C and working in conjunction with staff from the affected work area, academic program~~/~~, Career Technical Education program, and the Inmate Assignment Lieutenant, the classification committee shall evaluate the inmate's ability to participate in work, academic, Career Technical Education program, or other programs and make a determination of the inmate's program assignment and work group status.

(2) Only when the inmate's documented limitations are such that the inmate, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, Career Technical Education or other such program, will the inmate be placed in one of the two following categories by a classification committee:

(A) Temporary medical~~/~~ or psychiatric unassignment. Except as provided in section 3043.7(e)(2)(A), when a disabled inmate is unable to participate in any work, academic, Career Technical Education program or other program, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to last for less than six months, the classification committee shall place the inmate on temporary medical~~/~~ or psychiatric unassignment. An ~~I~~inmates on temporary medical~~/~~ or psychiatric unassignment status shall be scheduled for classification review any time there is a change in his~~/~~ or her physical~~/~~ or mental impairment, or no less than every six months for reevaluation. The credit earning status of an inmate on temporary medical~~/~~ or psychiatric unassignment for less than six months shall be in accordance with section 3044(b)(2), Work Group A-2, unless the inmate is assigned Work Group M in accordance with section 3044(b)(8). If the inmate's condition lasts six months and the classification committee still cannot assign the inmate due to his~~/~~ or her impairment, the credit earning status shall be changed to be in accordance with section 3044(b)(1), Work Group A-1 and appropriate privilege group retroactive to the first day of the temporary medical~~/~~ or psychiatric unassignment, unless the inmate is assigned Work Group M in accordance with section 3044(b)(8).

(B) Medically disabled. When an inmate is unable to participate in any assigned work, academic, Career Technical Education program, or other such program activity, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to result in death or last six months or more, the classification committee shall place the inmate on medically disabled status. The inmate credit earning status shall be in accordance with section

3044(b)(1), Work Group A-1 and Privilege Group A, unless the inmate is assigned Work Group M in accordance with section 3044(b)(8).

(e) Medical/ or psychiatric special assignments:

(1) Light duty: Inmates determined to have long-term medical or psychiatric work limitations shall be processed in the following manner:

(A) A medical or mental healthpsychiatric evaluation of the inmate shall be made to determine the extent of disability and to delineate capacity to perform work and training programs for either a full or partial workday. If the inmate is deemed capable of only a partial work program, full credit shall be awarded for participation in such a program.

(B) A classification committee shall review the evaluation and determine the inmate's assignment.

1. A committee concurring with an evaluation's light duty recommendation shall refer the matter to the facility's assignment office which shall attempt to provide an assignment within the inmate's capabilities. Inmates assigned to such light duty shall be scheduled for semi-annual review.

2. A committee disagreeing with an evaluation's light duty recommendation shall refer the matter back to the medical or mental health department, describing the difference of opinion or rationale for requesting a second medical evaluation. If the committee disagrees with the second medical evaluation it shall refer the matter to the institution classification committee for final determination.

(2) Short-term medical/ or psychiatric lay-in or unassignment. Inmates who are ill or otherwise require a medical/ or psychiatric lay-in, or unassignment for 29 calendar days or less, shall be processed in the following manner:

(A) Only designated medical/ or mental healthpsychiatric staff are authorized to approve such lay-ins and unassignments. Reasons for the approval and the expected date of return to their regular assignment shall be documented by the medical/ or mental health psychiatric staff making the decision.

(B) Inmates shall notify their work or training supervisor of their lay-in or unassignment status. The work or training supervisor shall record each day of the inmate's approved absence as an "E".

(C) Medical/ or mental healthpsychiatric staff determining an inmate should continue on lay-in or unassigned status for more than 29 calendar days shall refer the case to a classification committee for review.

(D) The inmate shall continue to use ETO time while on short-term medical/or psychiatric lay-in or unassigned status.

(f) On-the-job injuries. The chief medical officer shall document inmate injuries occurring on the job. With the exception of inmates assigned to Work Group F, such injured inmates shall retain their existing work group status until medically approved to return to their work assignment. Inmates assigned to Work Group F shall revert to Work Group A-1 in accordance with section 3044(b)(1) or Work Group M in accordance with section 3044(b)(8) effective on the date the chief medical officer determines the on-the-job injury excludes the inmate from conservation camp placement or from placement as a firefighter at a California Department of Corrections and Rehabilitation firehouse, providing the chief medical officer's exclusion determination is within 29 calendar days following the date of the inmate's removal from the conservation camp or firehouse firefighter assignment. If the chief medical officer's exclusion determination is not within 29 calendar days following the date of the inmate's removal from the conservation camp or firehouse firefighter assignment, the inmate shall revert to Work Group A-1 in accordance with section 3044(b)(1) or Work Group M in accordance with section 3044(b)(8) effective the 30th calendar day following the date of the inmate's removal from the conservation camp or firehouse firefighter assignment.

(g) Medical or psychiatric treatment categories "H", "I", and "N". An inmate assigned to category "H", "I", or "N" is not capable of performing a work or training assignment and shall, except where otherwise prohibited by law, be assigned to~~placed in~~ Work Group A-1, unless the inmate is assigned Work Group M in accordance with section 3044(b)(8).
(h) Department of State Hospitals ~~Mental Health (DMH) Penal Code (PC) sections 1364, 2684 and 2690~~ pPlacements. An inmate transferred to the Department of State Hospitals ~~DMH~~ pursuant to ~~PC~~ sections 1364, 2684, or 2690 of the Penal Code shall be assigned to ~~placed in~~ a work group as provided in section 3043.8(b).

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Section 3044 is amended to read:
3044. Inmate Work Groups and Privilege Groups.

Subsection 3044(a) is unchanged but shown as reference.
(a) Full-time and half-time defined.

Subsections 3044(a)(1) through 3044(b)(2) are amended to read:
(1) Full-time work/ or training assignments normally mean eight ~~(8)~~ hours per day on a five day per week basis, exclusive of meals.
(2) Half-time work/ or training assignments normally mean four ~~(4)~~ hours per day on a five day per week basis, exclusive of meals.
(b) Consistent with the provisions of section 3375, all assignments or re-assignments ~~of an inmate~~ to a work group shall be approved by a classification committee ~~action in accordance with this section~~.
(1) Work Group A-1 (Full-Time Assignment). An inmate willing and able to perform an assignment on a full-time basis shall be assigned to~~placed in~~ Work Group A-1, except when the inmate qualifies for the assignment of Work Group F or Work Group M pursuant to sections 3044(b)(7) or 3044(b)(8). The work day shall not be less than 6.5 hours of work participation and the work week no less than 32 hours of work participation, as designated by assignment. Those programs requiring an inmate to participate during other than the normal schedule of eight-hours-per-day, five-days-per-week (e.g., 10-hours-per-day, four-days-per-week) or programs that are scheduled for seven-days-per-week, requiring inmate attendance in shifts (e.g., three days of 10 hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. "Special assignment" shall be entered on the inmate's timekeeping log by the staff supervisor.
(A) Any inmate assigned to a ~~R~~rehabilitative ~~P~~program, ~~to~~ includinge but not ~~be~~ limited to,: ~~S~~substance ~~A~~abuse ~~T~~treatment, ~~C~~cognitive ~~B~~behavioral ~~T~~treatment, ~~T~~transitions, ~~E~~education, ~~C~~career ~~T~~technical ~~E~~education, or any combination thereof, shall be assigned to~~designated~~ Work Group A-1, except when the inmate qualifies for the assignment of Work Group M pursuant to section 3044(b)(8). An inmate assigned to the Security Threat Group ~~(STG)~~ Step Down Program ~~(SDP)~~ shall be assigned a ~~W~~work ~~G~~group in accordance with sections 3044(b)(5) and 3044(b)(6).
(B) Any inmate assigned to a combination of half-time work assignment~~,~~ and any rehabilitative program as described in ~~subsection~~ section 3044(b)(1)(A) ~~above~~, shall be assigned to~~designated~~ Work Group A-1, except when the inmate qualifies for the assignment of Work Group M pursuant to section 3044(b)(8).

(C) A full-time college program may be combined with a half-time work or ~~C~~career ~~T~~technical ~~E~~education program equating to a full-time assignment. The college program shall consist of twelve~~12~~ units in credit courses only leading to an associate's degree in two years or a bachelor's degree in four years.
(D) Any inmate diagnosed by a physician or mental health clinician~~psychiatrist~~ as totally disabled and therefore incapable of performing an assignment, shall remain ~~in~~ assigned to Work Group A-1 throughout the duration of their total disability, unless the inmate is assigned to Work Group C, Work Group D-1, Work Group D-2, or Work Group M in accordance with sections 3044(b)(4), 3044(b)(5), 3044(b)(6), or 3044(b)(8).
(E) Any inmate ~~when~~ diagnosed by a physician or mental health clinician~~psychiatrist~~ as partially disabled shall be assigned to an assignment within the physical and mental capability of the inmate as determined by the physician or mental health clinician~~psychiatrist~~, unless changed by disciplinary action.
(2) Work Group A-2 (Involuntarily Unassigned). An inmate willing but unable to perform in an assignment shall be assigned to~~placed in~~ Work Group A-2, if the inmate does not qualify for assignment to Work Group M pursuant to section 3044(b)(8) and either of the following is true:

Subsections 3044(b)(2)(A) and 3044(b)(2)(B) are unchanged but shown as reference.
(A) The inmate is placed on a waiting list pending availability of an assignment.
(B) The unassigned inmate is awaiting adverse transfer to another institution.

Subsection 3044(b)(3) is amended to read:
(3) Work Group B (Half-Time Assignment). An inmate willing and able to perform an assignment on a half-time basis shall be assigned to~~placed in~~ Work Group B, except when the inmate qualifies for the assignment of Work Group M pursuant to section 3044(b)(8). Half-time programs shall normally consist of an assignment of four hours per workday, excluding meals, five-days-per-week, or full-time enrollment in college consisting of twelve~~12~~ units in credit courses leading to an associate's degree or bachelor's degree. The work day shall be no less than three hours and the work week no less than fifteen ~~15~~ hours.

Subsection 3044(b)(4) is unchanged but shown as reference.
(4) Work Group C (Disciplinary Unassigned; Zero Credit).

Subsections 3044(b)(4)(A) through 3044(b)(6)(C) are amended to read:
(A) Any inmate who twice refuses to accept assigned housing, ~~or~~ who refuses to accept or perform in an assignment, or who is deemed a program failure as defined in section 3000~~,~~ by a classification committee shall be assigned to~~placed in~~ Work Group C for a period not to exceed the number of disciplinary credits forfeited due to the serious disciplinary infraction(s) or 180 days, whichever is less, except when the inmate qualifies for assignment to Work Group D-2 in accordance with section 3044(b)(6)(C).
(B) An inmate assigned to~~in~~ this work group shall not be awarded Good Conduct Credit, as described in section 3043.2, for a period not to exceed the number of disciplinary credits forfeited or 180 days, whichever is less, and shall revert to his or her previous work group upon completion of the credit forfeiture, unless the inmate no longer qualifies for assignment to Work Group F or Work Group M due to the totality of their case factors. In such exceptional circumstances, the inmate shall be assigned to another work group in accordance with this section. The ~~I~~inmates shall also be ~~returned~~referred to a classification committee for placement on an appropriate waiting list.
(5) Work Group D-1 (Lockup Status). An inmate assigned to a segregated housing program, shall be assigned to~~placed in~~ Work Group D-1, unless the inmate qualifies for continued assignment to Work

Group F or Work Group M or initial assignment to Work Group M in accordance with sections 3044(b)(7)(D), 3044(b)(7)(E), 3044(b)(8)(E), or 3044(b)(8)(F). Inmates assigned to Steps 1 through 4 of the Security Threat Group Step Down Program~~STG SDP~~ and who are eligible to earn credit pursuant to ~~Penal Code (PC)~~ section 2933 of the Penal Code~~credits~~, shall be awarded one day of credit for each day assigned to this work group. Inmates who are not eligible to earn credits pursuant to ~~under PC~~ section 2933 of the Penal Code shall receive credits pursuant to their sentence. Segregated housing shall include, but not be limited to, the following:

(A) Administrative Segregation Unit (ASU)~~.~~;

(B) Security Housing Unit (SHU)~~.~~;

(C) Psychiatric Services Unit (PSU)~~.~~;

(D) Non-Disciplinary Segregation (NDS).

(6) Work Group D-2 (Lockup Status: Zero Credit). ~~Inmates placed in SHU, PSU, or ASU following the commission of any other serious disciplinary infraction shall not be awarded Good Conduct Credit for a period not to exceed the number of disciplinary credits forfeited.~~

(A) Unless the exceptional criteria specified in section 3044(b)(6)(B) are met, an inmate serving an imposed SHU term pursuant to section 3341.9(e) in segregated housing shall be assigned to Work Group D-2, effective the date of the Rules Violation Report, for a period not to exceed the number of whole-day credits forfeited for the rule violation or 180 days, whichever is less, up to the Minimum Eligible Release Date or the date the Institution Classification Committee suspends the remainder of the SHU term~~An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not receive Good Conduct Credit during the period of credit forfeiture or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in section 3323(c) of these regulations, and which included great bodily injury on a non-prisoner shall not receive Good Conduct Credit for up to 360 days.~~ ~~Upon~~Following completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee for assignment to another work group.

(B) ~~An inmate's status in Work Group D-2 may be extended, in up to six-month increments, by a classification committee in unusual cases where no other assignment can be made without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution classification committee~~An inmate serving an imposed SHU term pursuant to section 3341.9(e) in segregated housing due to a guilty finding for a Division A-1 offense, as designated in section 3323(b), and which involved serious bodily injury on a non-prisoner, shall be assigned to Work Group D-2, effective the date of the Rules Violation Report, for a period not to exceed the number of whole-day credits forfeited for the rule violation or 360 days, whichever is less, up to the Minimum Eligible Release Date or the date the Institution Classification Committee suspends the remainder of the SHU term. Following completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee for assignment to another work group.

(C) An inmate in ASU, SHU, ~~or~~ PSU, or other segregated housing~~serving an administrative or determinate SHU term~~, who is deemed a program failure as defined in section 3000, may be assigned Work Group D-2 for non-SHU assessable Rules Violation Report(s) by a classification committee for a period not to exceed the number of credits forfeited for the rules violation(s) or 180 days, whichever is less. An inmate assigned to Work Group C at the time of placement in ASU, SHU, ~~or~~ PSU, or other segregated housing, or who refuses to accept or perform work assignments, shall be assigned Work Group D-2. An inmate released from ASU, SHU, ~~or~~ PSU, or other segregated housing, may be ~~placed back into~~assigned Work Group C by a classification committee, not to exceed the remaining number of disciplinary credits forfeited due to the serious disciplinary infraction(s) or 180 days, whichever is less.

Subsection 3044(b)(6)(D) is unchanged but shown as reference.
(D) If the administrative finding of misconduct is overturned or if the inmate is criminally prosecuted for the misconduct and is found not guilty, Good Conduct Credit shall be restored.

Subsection 3044(b)(7) through 3044(b)(7)(C) are amended to read:
(7) Work Group F (Minimum B Custody and Firefighting or Non-Firefighting Camp Placement). Assignment to Work Group F awards Good Conduct Credit pursuant to sections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A), ~~and~~3043.2(b)(5)(B), and 3043.2(b)(5)(C).
(A) An inmate assigned to ~~Minimum A Custody or~~ Minimum B Custody who has successfully completed the requisite physical fitness training and firefighting training to be assigned as a firefighter to a Department of Forestry and Fire Protection fire camp or as a firefighter at a Department of Corrections and Rehabilitation firehouse ~~is statutorily eligible for day for day credit~~ shall be assigned to~~placed in~~ Work Group F.
(B) An inmate assigned to Minimum B Custody who is placed in~~has completed the requisite training to be assigned to~~ a Department of Forestry and Fire Protection fire camp for assignment to a non-firefighter position~~as a firefighter at a Department of Corrections and Rehabilitation firehouse~~ shall be assigned to~~placed in~~ Work Group F.
(C) An ~~I~~inmates placed in Work Group F who ~~are~~is ~~(~~1) found guilty of a serious rule violation as defined in ~~sub~~sections 3323(b), 3323(c), or 3323(d) ~~of section 3323~~, ~~(~~2) found guilty of a rule violation involving use or possession of any unauthorized communication device or of any narcotic, drug, drug paraphernalia, controlled substance, alcohol, or other intoxicant, as defined in sections 3323(e), 3323(f), 3323(g), or 3323(h), 3) placed in a zero-credit work group pursuant to ~~sub~~sections 3044(b)(4) or 3044(b)(6) ~~of section 3044~~, or ~~(~~43) otherwise removed from this assignment due to safety or security considerations, shall be assigned to another ~~W~~work ~~G~~group consistent with the remaining provisions of this section and shall be ineligible to receive Good Conduct Credit pursuant to ~~sub~~sections 3043.2(b)(4)(B), ~~or~~ 3043.2(b)(4)(C), 3043.2(b)(5)(A), ~~or~~ 3043.2(b)(5)(B), or 3043.2(b)(5)(C). ~~of section 3043.2~~. An inmate who has been removed from this assignment under the circumstances described above may be re-assigned to~~placed in~~ Work Group F ~~again~~, after an appropriate period of time, by a classification committee ~~action~~.

Subsections 3044(b)(7)(D) through 3044(b)(7)(G)4. are adopted to read:
(D) An inmate assigned to Work Group F who 1) is temporarily placed in an ASU or other segregated housing placement unit, 2) designated by the Institution Classification Committee as non-disciplinary segregation pursuant to section 3335(a), and 3) who otherwise remains eligible for continued assignment to Work Group F pursuant to sections 3044(b)(7)(A) or 3044(b)(7)(B), shall continue to be assigned Work Group F for the duration of his or her non-disciplinary segregation.
(E) An inmate initially assigned to Work Group D-1 by the Institution Classification Committee due to placement in ASU, SHU, PSU, or other segregated housing unit pursuant to section 3044(b)(5) and who 1) was not designated for non-disciplinary segregation by the Institution Classification Committee, 2) otherwise eligible for the assignment to Work Group F pursuant to sections 3044(b)(7)(A) or 3044(b)(7)(B) during the period of segregated housing, and 3) was not found guilty of the serious rule violation which was the reason for ASU or other segregated housing placement, shall be made whole by retroactive assignment to Work Group F beginning with the effective date that Work Group D-1 was originally imposed and for the same number of days that he or she was assigned to Work Group D-1.
(F) An inmate assigned to Work Group F pursuant to section 3044(b)(7) for a cumulative period of twelve months or more on his or her current term of incarceration shall continue to earn Good Conduct Credit pursuant to sections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A), ~~or~~

3043.2(b)(5)(B), or 3043.2(b)(5)(C) upon transfer to an alternative custody setting as defined in section 3043(d).
(G) An inmate may be assigned Minimum B Custody and Work Group F, if the inmate meets the criteria noted above and all of the following are true:
1. The inmate is wanted for a felony by an out-of-state law enforcement agency (other than a Federal agency).
2. The agency does not have a detainer placed with the department for the felony.
3. The inmate's central file documents that the agency communicated to the department that they will not extradite the inmate for the purpose of prosecution of the felony.
4. The totality of the inmate's remaining case factors does not preclude the assignment of Minimum B Custody.

Subsection 3044(b)(8) is renumbered 3044(b)(9).
New subsection 3044(b)(8) is adopted to read:
(8) Work Group M (Minimum Custody or otherwise eligible for Minimum Custody). Assignment to Work Group M awards Good Conduct Credit pursuant to section 3043.2(b)(5)(A).

Subsections 3044(b)(8)(A) through 3044(b)(8)(G) are adopted to read:
(A) Effective January 1, 2018, an inmate assigned to Minimum A Custody or Minimum B Custody who does not qualify for assignment to Work Group F pursuant to section 3044(b)(7) shall be assigned to Work Group M. Work Group M may be assigned retroactively to May 1, 2017. However, Good Conduct Credit awarded pursuant to section 3043.2(b)(5)(A) shall be limited in accordance with section 3043(c).
(B) Effective January 1, 2018, an inmate otherwise eligible for assignment to Minimum A Custody or Minimum B Custody whose eligibility for such assignment is limited solely due to their 1) placement in the Mental Health Services Delivery System at the Enhanced Outpatient level of care or higher level and/ or 2) medical or mental health status which requires additional clinical and custodial supervision as determined by the Institutional Classification Committee, shall be assigned to Work Group M. Work Group M may be assigned retroactively to May 1, 2017. However, Good Conduct Credit awarded consistent with section 3043.2(b)(5)(A) shall be limited in accordance with section 3043(c).
(C) Effective January 1, 2018, an inmate may be assigned Minimum A or Minimum B Custody and/ or Work Group M, which may be applied retroactively to May 1, 2017, if the inmate meets the criteria noted above and all of the following, are true:
1. The inmate is wanted for a felony by an out-of-state law enforcement agency (other than a Federal agency).
2. The agency does not have a detainer placed with the department for the felony.
3. The inmate's central file documents that the agency communicated to the department that they will not extradite the inmate for the purpose of prosecution of the felony.
4. The totality of the inmate's remaining case factors does not preclude the assignment of Minimum A and Minimum B Custody or the inmate is otherwise eligible for assignment to Minimum A or Minimum B Custody as described in section 3044(b)(8)(B).
(D) An inmate assigned to Work Group M who is 1) found guilty of a serious rule violation as defined in sections 3323(b), 3323(c), or 3323(d), 2) found guilty of a rule violation involving use or possession of any unauthorized communication device or of any narcotic, drug, drug paraphernalia, controlled substance, alcohol, or other intoxicant, as defined in sections 3323(e), 3323(f), 3323(g), or 3323(h), 3) placed in a zero-credit work group pursuant to sections 3044(b)(4) or 3044(b)(6), or 4) otherwise removed from this assignment due to safety or security considerations, shall be re-assigned

to another work group consistent with the remaining provisions of this section and shall be ineligible to receive Good Conduct Credit pursuant to sections 3043.2(b)(4)(B), 3043.2(b)(4)(C), 3043.2(b)(5)(A), ~~or~~ 3043.2(b)(5)(B), or 3043.2(b)(5)(C). An inmate who has been removed from this assignment under the circumstances described above may be assigned to Work Group M again, after an appropriate period of time, by a classification committee.

(E) An inmate eligible for initial assignment to Work Group M or who is assigned to Work Group M who 1) is temporarily placed in an ASU or other segregated housing placement unit, 2) designated by the Institution Classification Committee as non-disciplinary segregation pursuant to section 3335(a), and 3) who otherwise remains eligible for initial or continued assignment to Work Group M pursuant to sections 3044(b)(8)(A) or 3044(b)(8)(B), shall be assigned Work Group M for the duration of his or her non-disciplinary segregation.

(F) An inmate initially assigned to Work Group D-1 by the Institution Classification Committee due to placement in ASU, SHU, PSU, or other segregated housing unit pursuant to section 3044(b)(5) and who 1) was not designated for non-disciplinary segregation by the Institution Classification Committee, 2) was otherwise eligible for the assignment to Work Group M pursuant to sections 3044(b)(8)(A) or 3044(b)(8)(B) during the period of segregated housing, and 3) was not found guilty of the serious rule violation which was the reason for ASU or other segregated housing placement, shall be made whole by retroactive assignment to Work Group M beginning with the effective date that Work Group D-1 was originally imposed and for the same number of days he or she was assigned to Work Group D-1.

(G) Except when otherwise precluded by this section, an inmate 1) who undergoes reception center processing with a permanent disability that impacts placement or who is receiving dialysis treatment, 2) who, as determined by a classification committee, experienced an extended stay in the reception center beyond 60 days solely due to the disability, and 3) qualifies for the assignment of Work Group M pursuant to this section, shall be assigned Work Group M effective the 61st day of the stay at the reception center. Work Group M may be assigned retroactively to May 1, 2017. However, Good Conduct Credit awarded consistent with section 3043.2(b)(5)(A) shall be limited in accordance with section 3043(c).

Subsection 3044(b)(8) is renumbered 3044(b)(9) and amended to read:

(9~~8~~) Work Group U (Unclassified). An inmate undergoing reception center processing shall be assigned to~~placed in~~ Work Group U from the date of their reception until classified at their assigned institution, except when the inmate is assigned Work Group M by a classification committee prior to the completion of reception center processing in accordance with section 3044(b)(8)(G).

Subsections 3044(c) through 3044(c)(6)(A)1. are unchanged but shown as reference.

(c) Privileges. Privileges for each work group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the secretary, by statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs.

(1) To qualify for privileges generally granted by this section, an inmate shall comply with rules and procedures and participate in assigned activities.

(2) Privileges available to a work group may be denied, modified, or temporarily suspended by a hearing official at a disciplinary hearing upon a finding of an inmate's guilt for a disciplinary offense

as described in sections 3314 and 3315 of these regulations or by a classification committee action changing the inmate's custody classification, work group, privilege group, or institution placement.
(3) Disciplinary action denying, modifying, or suspending a privilege for which an inmate would otherwise be eligible shall be for a specified period not to exceed 30 days for an administrative rule violation or 90 days for a serious rule violation.
(4) A permanent change of an inmate's privilege group shall be made only by classification committee action under provisions of section 3375. Disciplinary or classification committee action changing an inmate's privileges or privilege group shall not automatically affect the inmate's work group classification.
(5) No inmate or group of inmates shall be granted privileges not equally available to other inmates of the same custody classification and assignment who would otherwise be eligible for the same privileges.
(6) Changes in privilege group status due to the inmate's placement in lockup:
(A) An inmate housed in an ASU, SHU, or PSU shall be designated Privilege Group D with the exception of:
1. Inmates designated as NDS who shall retain their privilege group prior to ASU placement;

Subsection 3044(c)(6)(A)2. is amended to read:
2. Inmates placed in the Security Threat Group (STG) Step Down Program (SDP) in accordance with ~~S~~section 3044(i) ~~3044(g)(2)~~;

Subsections 3044(c)(6)(A)3. and 3044(c)(6)(A)4. are unchanged but shown as reference.
3. Inmates who are assigned to the Debrief Processing Unit (DPU) in accordance with Section 3378.7;
4. Inmates who are on Administrative SHU status in accordance with section 3044(j).

Subsection 3044(c)(7) is amended to read:
(7) An inmate in a ~~R~~reentry ~~Hub~~ program assignment shall be eligible for available privileges subject to participating in assignment programs and shall not require a privilege group designation.

Subsections 3044(c)(8) through 3044(d)(1)(A) are unchanged but shown as reference.
(8) An inmate's privileges shall be conditioned upon each of the following:
(A) The inmate's compliance with procedures governing those privileges.
(B) The inmate's continued eligibility.
(C) The inmate's good conduct and satisfactory participation in an assignment.
(9) Inmates returned to custody from parole may be eligible to receive privileges based upon their satisfactory participation in an assignment.
(10) When assigned to a RCGP facility, the inmate's privileges shall be in accordance with section 3378.9.
(d) Privilege Group A:
(1) Criteria:
(A) Full-time assignment as defined in section 3044(a).

Subsections 3044(d)(1)(B) and 3044(d)(1)(C) are amended to read:
(B) An inmate diagnosed by a physician ~~and/~~ or ~~psychiatrist~~mental health clinician as totally disabled shall remain in Privilege Group A, unless changed by disciplinary action.
(C) An inmate designated by a physician ~~and/~~ or ~~psychiatrist~~mental health clinician as partially disabled pursuant to section 3044(b)(1)(E)~~3044(a)~~ shall remain in Privilege Group A, unless changed by disciplinary action.

Subsections 3044(d)(2) and 3044(d)(2)(A) are unchanged but shown as reference.
(2) Privileges for Privilege Group A are as follows:
(A) Family visits limited only by the institution/facility resources, security policy, section 3177(b), or other law.

Subsection 3044(d)(2)(B) is amended to read:
(B) Visits during non-work/training hours, limited only by availability of space within facility visiting hours, or during work hours when extraordinary circumstances exist as defined in section 3045.2(~~e~~d)(2). NDS inmates in Privilege Group A are restricted to non-contact visits consistent with those afforded to other inmates in ASU.

Subsections 3044(d)(2)(C) through 3044(e)(1) are unchanged but shown as reference.
(C) Maximum monthly canteen draw as authorized by the secretary.
(D) Telephone access during the inmate's non-work/training hours limited only by institution/facility telephone capabilities. Inmates identified as NDS are permitted one personal telephone access per week under normal operating conditions.
(E) Access to yard, recreation and entertainment activities during the inmate's non-working/training hours and limited only by security needs.
(F) Excused time off as described in section 3045.2.
(G) The receipt of four inmate packages, 30 pounds maximum weight each, per year. Inmates may also receive special purchases, as provided in subsections 3190(j) and (k).
(e) Privilege Group B:
(1) Criteria, any of the following:

Subsection 3044(e)(1)(A) is amended to read:
(A) Half-time assignment as defined in section 3044(a) ~~or involuntarily unassigned as defined in section 3044(a)~~ or involuntarily unassigned as defined in section 3044(b).

Subsections 3044(e)(1)(B) through 3044(e)(2)(A) are unchanged but shown as reference.
(B) A hearing official may temporarily place an inmate into the group as a disposition pursuant to section 3314 or 3315.
(2) Privileges for Privilege Group B are as follows:
(A) One family visit each six months, unless limited by section 3177(b) or other law.

Subsection 3044(e)(2)(B) is amended to read:
(B) Visits during non-work/training hours, limited only by availability of space within facility visiting hours, or during work hours when extraordinary circumstances exist, as defined in section 3045.2(d)(2). NDS inmates in Privilege Group B are restricted to non-contact visits consistent with those afforded to other inmates in ASU.

Subsections 3044(e)(2)(C) through 3044(f)(2)(E) are unchanged.

Subsection 3044(g) is unchanged but shown as reference.
(g) Privilege Group D:

Subsection 3044(g)(1) is amended to read:
(1) Criteria: Any inmate, with the exception of validated STG affiliates participating in the SDP or designated NDS inmates, housed in a special segregation unit, voluntarily or under the provisions of

sections 3335-3345 of these regulations who is not assigned to either a full-time or half-time assignment.
Inmates assigned to ~~s~~Steps 1 through 4 of the SDP while completing the Pre-Debrief Intake Panel (DIP) portion of Phase One of the debrief process, as described in section 3378.5~~(h)~~, are entitled to privileges and non-privileges commensurate with the SDP step to which the offender is currently assigned, in accordance with ~~S~~sections 3044(i) and 3378.7.
Subsections 3044(g)(2) through 3044(h)(2)(F) are unchanged.

Subsection 3044(i) is unchanged but shown as reference.
(i) Privilege Group S1 through S4:

Subsections 3044(i)(1) through 3044(i)(3)(C)11. are unchanged.

Subsection 3044(i)(3)(D) is unchanged but shown as reference.
(D) S4 for Step 4.

Subsections 3044(i)(3)(D)1. through 3044(i)(3)(D)5. are unchanged.

Subsection 3044(i)(3)(D)6. is amended to read:
6. Yard access in accordance with Section 3343(h) which shall be a minimum of 10 hours per week. Participation on small group yards as determined by the Institution Classification Committee (ICC).

Subsections 3044(i)(3)(D)7. through 3044(j)(4) are unchanged.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b); and Sections 2700, 2701 and 5058, Penal Code. Reference: Cal. Const., art. 1, sec. 32(a)(2); Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

Subchapter 4.
General Institution Regulations

Article 9.5 Case Records

~~**3371.1. Computation of Time and Preprison Credit.**~~
~~(a) The method of computing time and applying credit to an inmate's term is governed by the laws applicable on the date the inmate's crime is committed.~~
~~(b) Credit towards an inmate's term shall be administratively applied if the credits are not reflected on legal documents for:~~
~~(1) Time spent under an indeterminate sentence as a mentally disordered offender pursuant to Penal Code (PC) section 1600.5.~~
~~(2) A commitment received on or after September 15, 1965 where the inmate spent time for diagnostic observation pursuant to PC section 1203.03.~~
~~(3) Time spent for a Welfare and Institutions Code (W&IC) section 3200 commitment.~~
~~(4) Time spent in the California Youth Authority/Division of Juvenile Justice on the same offense for which they were committed to the department pursuant to W&IC section 1782.~~
~~(c) If upon application of preprison credit the inmate is overdue for release, they shall be released within five working days.~~
~~(d) Only the following credit issues shall be referred by the department to the sentencing court:~~

~~(1) Any case where credit was granted for an in-prison offense, a crime committed while the inmate was on escape status, or where an inmate's consecutive case was sentenced after their received date and included credit for that time served.~~
~~(2) When an inmate's case was resentenced and the court credited the inmate with time being served in the department.~~
~~(3) When an inmate's probation is revoked and the inmate is granted more than 60 days custody credit which is also being credited by the department.~~
~~(4) Cases where legal documents reflect any conflict in credit.~~
~~(5) Cases where the court granted Penal Code section 4019 credit at the rate of day for day.~~
~~(e) Any preprison credit towards an indeterminate sentence shall be applied within one week after the inmate's parole date or term is established or fixed by the Board of Prison Terms.~~
~~(f) No preprison credit shall be applied towards time assessed for prior indeterminate sentence terms.~~
~~(g) The inmate's received date is counted as a full day regardless of the actual time of day received; for each day thereafter, they shall serve the full 24-hour period to receive credit.~~
~~(h) An inmate who has been convicted of a felony, and sentenced under Penal Code Section 667(b) through (i), or Penal Code Section 1170.12, with one or more prior felony convictions, as defined in Penal Code Section 667.5(c) and/or 1192.7(c), shall not be awarded behavior and/or work credits in an amount that exceeds one-fifth of the total term of imprisonment imposed. The limitation on the inmate's credit accrual shall commence on the received date, as defined in section 3000, even if the inmate's sentence has been modified as the result of a striken prior felony conviction under Penal Code Section 1385. There will be a maximum credit accrual rate of 20% so long as the trial court continues to use at least one prior felony conviction, as defined in PC Section 667.5(c) and/or 1192.7(c), for the purposes of determining the term of imprisonment upon resentencing.~~

Section 3371.1 Computation of Term and Credit. Is adopted to read:
(a) Authority.
(1) The length of an inmate's term is governed by the laws applicable on the date the inmate's crime is committed.
(2) The credit to be applied to an inmate's term is governed by Section 32 of Article 1 of the California Constitution, and the regulations promulgated pursuant there to.
(b) Definitions.
(1) Credit.
(A) Pre-Sentence Credit. Pre-sentence credit is the credit granted by the sentencing court for time up to and including the sentencing date pursuant to sections 2900.1, 2900.5, 2933.1, and 4019 of the Penal Code.
(B) Post-Sentence Credit. Post-sentence credit is the credit granted for actual days served in county jail between the date of the inmate's sentencing and the date the inmate is received into the jurisdiction of the department.
(C) Vested credit. Vested credit is the Good Conduct Credit awarded pursuant to section 3043.2 of this title based on the number of actual days served in county jail between the date of the inmate's sentencing and the date the inmate is received into the jurisdiction of the department. Vested credit shall not be forfeited.
(2) Dead time. Dead time is the length of time an inmate is out of custody due to being at-large while on escape status, at-large while absconded on parole, released on bail, released on own recognizance, released on bond pending appeal, or prematurely released. Dead time shall not be included in any determination of credit.
(3) Release Date.

(A) Earliest Possible Release Date. The Earliest Possible Release Date is the earliest date an inmate serving a determinate term may be released from one single or aggregated term. The Earliest Possible Release Date is a fluid date as credit may be earned and forfeited throughout the inmate's incarceration.
(B) Maximum Release Date. The maximum release date is the date an inmate shall be released from one single or aggregate term if they serve the full-term imposed by a court of law, taking into consideration the 1) pre-sentence credit; 2) post-sentence credit; 3) vested credit; 4) administrative credit; and 5) dead time. Each aggregate term or fully consecutive term of incarceration will have its own Maximum Release Date.
(4) Terms of Incarceration.
(A) A term of incarceration is the period of time imposed by the court for single offense.
(B) An aggregate term of incarceration is the sum of a principal term, a subordinate term, and any additional term imposed for applicable enhancements, including enhancements for prior convictions, prior prison terms, and section 12022.1 of the Penal Code.
(C) A fully consecutive term of incarceration begins when the inmate would have otherwise been released from prison.
(c) Administrative Credit. Credit shall be applied administratively, if not awarded by the sentencing court, to an inmate's term for:
(1) A commitment received on or after September 15, 1965, where the inmate spent time for diagnostic observation pursuant to section 1203.03 of the Penal Code; and
(2) Time spent in the Division of Juvenile Justice on the same offense for which they were committed to the department pursuant to section 1782 of the Welfare and Institutions Code.
(d) Sentences Deemed Served.
(1) Notwithstanding section 3043(c) of this division, if the application of pre-sentence credit, post-sentence credit, vested credit, and administrative credit results in a determination that the inmate's sentence was served in full prior to their arrival in prison, he or she shall be released no later than ten business days after their arrival in prison.
(2) Notwithstanding section 3043(c) of this division, if an abstract of judgment, amended abstract of judgment, or other court order is received for an inmate who has been incarcerated by the department for at least five business days and it is determined that the inmate is immediately eligible for release or eligible for release within the following five business days, he or she shall be released no later than five business days after receipt of the abstract of judgment, amended abstract of judgment, or court order.
(3) Notwithstanding section 3043(c) of this division, if notification is received from the Board of Parole Hearings to release an inmate granted parole pursuant to sections 3041 or 3051 of the Penal Code or section 3055 of the Penal Code beginning January 1, 2018, he or she shall be released no later than five business days after receipt of the notification.
(e) What Constitutes a "Day."
(1) In general, an inmate must serve a full 24-hour period to receive credit for that day.
(2) The day an inmate is received in prison shall be counted as a full day regardless of the actual time of day he or she is received.
(3) The day an inmate is paroled or discharged shall be counted as the first full day of parole supervision or post-release community supervision, if applicable, regardless of the actual time of day he or she is paroled or discharged.
(f) Consecutive, Concurrent, or Stayed Violent Felonies.

(1) If a single sentencing court or separate sentencing courts impose one or more consecutive terms or enhancements that result in one aggregate term of incarceration and at least one term or enhancement is listed in subdivision (c) of section 667.5 of the Penal Code, then all terms and enhancements shall be considered violent for the purpose of Good Conduct Credit, even if the term or enhancement is stayed by the court.
(2) While an inmate is serving a term for a violent offense as defined in subdivision (c) of section 667.5 of the Penal Code concurrently with a term for a non-violent offense, Good Conduct Credit shall be determined based on the violent offense. Upon completion of the term for a violent offense, Good Conduct Credit shall be determined based on the remaining non-violent offense.
(g) Striking the Strike Allegation. When allegations pursuant to section 1170.12 or subdivisions (b) through (i) of section 667 of the Penal Code are stricken by the sentencing court in accordance with subdivisions (a) or (c) of section 1385 of the Penal Code, Good Conduct Credit will be applied based on the provisions found in section 3043.2(b)(3) of this title.

Note: Authority cited: Cal. Const., art. 1, sec. 32(b), Sections ~~5058 and 2930-2935 et seq.,~~ 2930, 2931, 2932, 2932.5, 2933, 2933.05, 2933.1, 2933.2, 2933.3, 2933.5, 2933.6, 2934, 2935, and 5058 Penal Code. Reference: Sections 667, 667.5, 1168, 1170, 1170.1, 1170.12, 1192.7, 1203, 2900, 2900.1, 2900.5 and 5054, Penal Code; Section 1782, Welfare and Institutions Code; ~~*People v. Caceres* (1997) 52 Cal. App. 4th 106, 60 Cal. Rptr. 2d 415; *People v. Buchalter* (2001) 26 Cal. 4th 994A, 108 Cal. Rptr. 2d 625; and *People v. Superior Court (Romero)* (1996) 13 Cal. 4th 497, 53 Cal. Rptr. 2d 789.~~ *In re Thompson* (1985) 172 Cal.App.3d. 256; *People v. Ramos* (1996) 50 Cal.App.4th 810; *In re Pope* (2010) 50 Cal.4th 777; *In re Pacheco* (2007) 155 Cal.App.4th 1439; *In re Reeves* (2005) 35 Cal.4th 765; and *In re Sengdara*, (Super. Ct. Orange County, 2016, No. M-16673XA.)