

# CRIMINAL JUSTICE AND JUDICIAL BRANCH

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## DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) incarcerates people convicted of the most serious and violent felonies, supervises those released to parole, and provides rehabilitation programs to help people reintegrate into the community. The Department strives to facilitate the successful reintegration of the individuals in its care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, and rehabilitative and restorative justice programs. The May Revision proposes total funding of \$13.6 billion (\$13.2 billion General Fund and \$385.4 million other funds) for CDCR in 2025-26. Of this amount, \$4.1 billion General Fund is for health care programs, which provide incarcerated individuals access to mental health, medical, and dental care services.

The adult incarcerated population is projected to fluctuate over the next few years, with increases in the near-term due to the passage of Proposition 36 in November 2024. Spring projections indicate the average daily adult incarcerated population for 2024-25 is estimated to be 91,471, a decrease of 0.2 percent since the fall 2024 projections, and 91,205 in 2025-26, a decrease of 2.2 percent since the fall projections. The projected decrease recognizes a slower ramp up of the Proposition 36 impact than projected in the fall. However, even with the expected population increase from Proposition 36,

temporarily rising to 92,179 in 2027-28, the population is still projected to continue its overall long-term downward trend, declining to 89,692 incarcerated individuals by June 30, 2029.

The parolee average daily population is projected to be 34,723 in 2024-25, declining slightly to 34,197 in 2025-26. Proposition 36 is projected to slightly increase the parole population, which is anticipated to remain relatively stable over the next few years, at 34,213 by June 30, 2029.

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### **PRISON CAPACITY**

The adult prison population has steadily declined in recent years, which has allowed CDCR to eliminate its reliance on in-state and out-of-state contract prison capacity, and the lease of the California City Correctional Facility. CDCR has also closed three institutions: Deuel Vocational Institution (Tracy), California Correctional Center (Susanville), and Chuckawalla Valley State Prison (Blythe). Lastly, the department has deactivated 11 facilities, portions of 2 facilities, and 42 housing units across 11 prisons. Combined, these closures and deactivations, along with administrative savings, result in hundreds of millions of dollars in annual savings.

The Administration remains committed to meeting the needs of staff and the incarcerated population while right-sizing California's prison system as the prison population declines, and to address space needs as the state transforms the carceral system to one more focused on rehabilitation. While Proposition 36 is expected to increase CDCR's population, the population should continue its downward trend over the long-term.

Given the state's fiscal situation and the projected decline in the prison population, the May Revision proposes to close one additional prison by October 2026. Upon full closure, the state will achieve an estimated savings of about \$150 million General Fund annually.

In assessing capacity, CDCR takes into consideration its population, specialized bed needs, and available health care, mental health care, educational, and rehabilitation programming space, while also assessing the amount and type of space needed to provide services and a more normalized living environment to support the incarcerated population. The closure of a prison does not change the Administration's commitment to balancing the needs of the population it serves and focusing on rehabilitation and reentry.

As such, the May Revision maintains resources for San Quentin Rehabilitation Center's (SQRC's) new educational center, which is expected to complete construction in January 2026. The May Revision continues the commitment to begin operating this facility, consistent with the Governor's Budget proposal, to provide staffing, add and expand rehabilitative programs focused on behavior change, trauma-informed care, and dynamic security to help foster change in SQRC's correctional environment. The new facility will be operated so as to embody the California Model.

## **SIGNIFICANT BUDGET ADJUSTMENTS**

The May Revision proposes additional resources to continue existing CDCR initiatives, make needed infrastructure improvements, and address increased costs:

- **Reappropriation and Repurposing of Statewide Roofs Replacement Funding**—\$50.8 million in roof replacement funding from the 2023 Budget Act and \$62 million in roof replacement funding from the 2024 Budget Act are repurposed for use on various statewide roof replacement projects and for kitchen repairs at California State Prison, Corcoran and Salinas Valley State Prison, which were damaged by roof leaks.
- **Statewide Fire Alarm Replacements and Fire Watch**—\$37.3 million in 2025-26 and \$44.2 million in 2026-27 and 2027-28 to replace fire alarm control panels and systems at two institutions that require staff to patrol for fires as mandated by the Office of the State Fire Marshal.
- **CalAIM Justice-Involved Initiative – Program Support**—\$21.5 million in 2025-26 and \$11 million ongoing in increased reimbursement authority, an increase of 65 positions in 2025-26 and ongoing, and a reduction of \$6.2 million General Fund in 2025-26, an increase of \$3.8 million General Fund in 2026-27, and a reduction of \$11 million General Fund ongoing to support full implementation of the California Advancing and Innovating Medi-Cal Justice-Involved Initiative and account for additional federal reimbursements.

## **THE MAY REVISION INCLUDES THE FOLLOWING STATUTORY CHANGES:**

- **Work Privileges for Incarcerated College Students**—Increases the ability for full-time incarcerated college students to also hold a job or participate in additional rehabilitative programming.
- **Licensure of Mental Health Professionals**—Broadens the pre-licensure employment waiver option to include all mental health professionals employed by CDCR.

- **Tuberculosis Testing Changes**—Limits tuberculosis testing requirements to only those employees working in institutional settings and allows employees to complete this testing during their first week of their employment.

### ADDRESSING THE BUDGET PROBLEM

To address the projected budget shortfall, the following proposals from the Governor's Budget are withdrawn or modified:

- **COVID-19 Mitigation Costs**—A reduction of \$7.8 million one-time General Fund in 2025-26. The remaining \$5 million will be used to continue necessary COVID-19 prevention and mitigation activities.
- **Air Cooling Pilot Program**—A reduction of \$6 million General Fund in 2025-26 and \$25.4 million General Fund in 2026-27. The remaining \$17.6 million General Fund in 2025-26 and \$20 million General Fund in 2026-27 will be used to initiate a pilot program at three prisons to evaluate the effectiveness of various air cooling alternatives.
- **Americans with Disabilities Act Facility Improvements**—A reduction of \$23.1 million one-time General Fund in 2025-26 related to the plan to complete accessibility improvements at six institutions. This postponement will allow CDCR to incorporate accessibility concerns in master planning efforts currently underway, which will inform the department's priorities over the longer term.
- **Public Safety Radio Replacement**—A reduction of \$19.8 million ongoing General Fund related to maintenance and replacement of CDCR's existing public safety radio and communications equipment.

In addition, the May Revision reflects savings of \$125 million General Fund in 2025-26, growing to over \$600 million General Fund in 2027-28. CDCR will work to identify and achieve savings through additional operational improvements related to headquarters, contract management, overtime management, and modifying various aspects of health care programs.

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## PUBLIC SAFETY

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### PROPOSITION 47 SAVINGS

Proposition 47, passed in 2014, requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits incarcerated persons previously sentenced for these reclassified crimes to petition for resentencing. The May Revision includes an additional \$3.2 million General Fund in savings for Proposition 47, for a total General Fund savings of \$91.5 million in 2025-26. Proposition 47 invests savings from reduced prison utilization in prevention and supporting community programs; funds are allocated according to the formula specified in the ballot measure, which requires 65 percent be allocated for grants to public agencies to support various recidivism reduction programs (such as mental health and substance use treatment services), 25 percent for grants to support truancy and dropout prevention programs, and 10 percent for grants for victim services.

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### COMMUNITY CORRECTIONS PERFORMANCE INCENTIVE GRANT

The Community Corrections Performance Incentive Grant, Chapter 608, Statutes of 2009 (SB 678), was created to provide incentives for counties to reduce the number of felony probationers sent to state prison. By lowering the number of supervised offenders sent to state prison, the program has resulted in allocations to county probation departments of more than \$1.5 billion since its creation.

The May Revision proposes \$127.9 million General Fund for county probation departments. In recent years, funding for this item was held constant due to the COVID-19 Pandemic's effect on probation populations, law enforcement practices, and court processes. The May Revision includes statutory updates to the methodology for calculating incentive payments to the counties beginning in 2025-26, which recognize the historic successes of California probation officers in reducing the number of individuals sent to prison by establishing stable funding, enhancing the performance-based incentive nature of the funding, and reducing variability in the prior methodology.

## DEPARTMENT OF JUSTICE

As the chief law officer of the state, the Attorney General has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse programs of the Department of Justice (DOJ). The Department provides litigation services on behalf of the people of California; serves as legal counsel to state agencies; provides oversight, enforcement, education, and regulation of California's firearms laws; provides evaluation and analysis of physical evidence; and supports the data needs of California's criminal justice community. The Budget includes approximately \$1.3 billion, including \$496 million General Fund, to support the DOJ.

### SIGNIFICANT BUDGET ADJUSTMENTS

- **Federal Accountability Workload**—\$14.4 million ongoing (\$13.3 million General Fund and \$1.1 million Special Fund) and 44 positions to defend California against adverse federal actions. The anticipated workload includes, but is not limited to, defending environmental protections, negative impacts of tariffs, reproductive choice, and termination of federal grants that Congress directed be provided.
- **California Law Enforcement Telecommunications System (CLETS) – Department of Motor Vehicles Enhancements**—\$3.2 million General Fund in 2025-26 and \$1.6 million in 2026-27 for information technology enhancements at DOJ to establish a new connection between CLETS and the Department of Motor Vehicles.
- **DOJ FI\$Cal Resources**—\$2.7 million (\$1.1 million General Fund and \$1.6 million Special Fund) in 2025-26 and \$3.2 million (\$1.2 million General Fund and \$2 million Special Fund) in 2026-27 for DOJ to continue the transition from its legacy accounting system to FI\$Cal. The migration will take place over the next three years, with an estimated completion date by the end of 2026-27.
- **Juveniles: Sealing Records (AB 1877)**—\$2.4 million General Fund and four positions in 2025-26 and \$812,000 in 2026-27 and ongoing to implement the provisions of Chapter 811, Statutes of 2024 (AB 1877).
- **Registry of Charities and Fundraisers Workload**—\$1.2 million Registry of Charities and Fundraisers Fund and eight positions and \$1.4 million in 2026-27 and ongoing to address the program workload within the Registry of Charities and Fundraisers within the Charitable Trusts Section of the Public Rights Division.

## ADDRESSING THE BUDGET PROBLEM

To address the projected budget shortfall, the May Revision includes General Fund solutions to achieve a balanced budget. These include:

- **Unfair Competition Law Fund Loan**—A budgetary loan of \$150 million from the Unfair Competition Law Fund to the General Fund in 2025-26 from resources not required for currently projected operational or programmatic purposes.
- **Various Chaptered Legislation**—A reduction of \$729,000 (\$656,000 General Fund and \$73,000 Special Fund) in 2025-26, decreasing to \$563,000 (\$492,000 General Fund and \$71,000 Special Fund) in 2028-29 and ongoing to withdraw proposals from the Governor's Budget associated with various chaptered legislation that the department intends to initially implement within existing resources.

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## CALIFORNIA HIGHWAY PATROL

The California Highway Patrol (CHP) provides uniform traffic law enforcement throughout the state and serves the public by assuring the safe, convenient, and efficient transportation of people and goods on the state's highway system. Additionally, CHP is responsible for the security of state buildings and officials. Increasingly, CHP also supports statewide law enforcement in specialized areas concerning interjurisdictional crimes.

## SIGNIFICANT BUDGET ADJUSTMENT

- **Highway Violence Task Force**—To continue addressing violent crimes occurring on state highways, the May Revision includes one-time resources totaling \$4.9 million Motor Vehicle Account in 2025-26 for an additional year of funding for the CHP's Highway Violence Task Force.

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## OFFICE OF EMERGENCY SERVICES

The Office of Emergency Services (Cal OES) serves as the state's leadership hub during all major emergencies and disasters. This includes responding, directing, and coordinating local, state, and federal resources, and mutual aid assets across all regions to support the diverse communities across the state. Cal OES also builds disaster resilience by supporting local jurisdictions and communities through planning and preparedness activities, training, and facilitating the immediate response to an emergency through the longer-term recovery phase. During this process, Cal OES serves as the state's overall coordinator and agent to secure federal government resources through the Federal Emergency Management Agency. The May Revision includes \$4.4 billion (\$613 million General Fund) and 1,911 positions for Cal OES.

In addition, the May Revision maintains \$80 million one-time General Fund to implement the California State Nonprofit Security Grant Program, consistent with the two-year funding commitment in the 2024 budget agreement. Since 2020-21, the state has dedicated \$220 million one-time General Fund for this program to support physical security enhancements to nonprofit organizations that have historically been targets of hate-motivated violence. The state has also received \$116 million from the federal Nonprofit Security Grant Program during this time period.

### ADDRESSING THE BUDGET PROBLEM

To address the projected budget shortfall, the May Revision includes a General Fund solution to achieve a balanced budget. This includes:

- **Flexible Cash Assistance for Survivors of Crime**—A reversion of \$49.7 million one-time General Fund appropriated in the 2022 Budget Act to establish a financial assistance program for survivors of crime.

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## JUDICIAL BRANCH

The Judicial Branch consists of the Supreme Court, courts of appeal, trial courts, the Habeas Corpus Resource Center, and the Judicial Council. The Judicial Council is responsible for managing the resources of the Judicial Branch. The trial courts are funded with a combination of General Fund, county maintenance-of-effort requirements, fines, fees, and other charges. Other levels of the Judicial Branch receive



most of their funding from the General Fund. The May Revision includes total funding of \$5.2 billion (\$3.2 billion General Fund) in 2025-26 for the Judicial Branch, of which \$2.9 billion is provided to support trial court operations.

### SIGNIFICANT BUDGET ADJUSTMENTS

- **Tribal Nations Access to Justice Act (SB 549)**—\$2.7 million in 2025-26, \$1.5 million in 2026-27, and \$784,000 in 2027-28, for the courts to handle workload resulting from lawsuits filed by California Indian tribes against California gambling establishments and third-party providers pursuant to Chapter 860, Statutes of 2024 (SB 549).
- **State Court Facilities Construction Fund (SCFCF) Backfill**—A reduction of \$20 million to the General Fund backfill of the SCFCF in 2025-26.
- **Trial Court Employee Health Benefits**—A reduction of \$9 million ongoing General Fund to reflect updated health benefit and retirement rate changes for trial court employees. This brings the total additional amount available for trial court employee benefits in 2025-26 to \$19.8 million.

### ADDRESSING THE BUDGET PROBLEM

To address the projected budget shortfall, the May Revision includes General Fund solutions to achieve a balanced budget. These include:

- **Trial Court Trust Fund Unrestricted Fund Balance**—A reduction of \$38 million in 2025-26 of the unrestricted fund balance in the Trial Court Trust Fund to the General Fund. This unrestricted fund balance exists primarily from cost savings from previous allocations to the Judicial Branch where no mechanism exists to return the funds to the General Fund.
- **Pretrial Release Program**—A reversion of \$20 million General Fund from 2024-25 associated with savings related to the Judicial Branch's pretrial services and a reduction of \$20 million ongoing General Fund beginning in 2025-26. The budget maintains \$50 million General Fund in 2025-26 and ongoing for the Pretrial Release program, consistent with the current level of expenditure for the program.
- **Incompetent to Stand Trial Evaluations**—A reversion of \$9.1 million General Fund in 2023-24 and 2024-25 associated with unspent funds provided to the Judicial Branch for improvements to Incompetent to Stand Trial evaluations.
- **Jury Duty Pilot Program (AB 1981)**—A reversion of \$27.5 million General Fund in 2023-24 and 2024-25 associated with unspent funds provided to the Judicial Branch

to implement a pilot program related to juror compensation pursuant to Chapter 326, Statutes of 2022 (AB 1981). Statutory changes are also proposed to suspend the program.

- **Court Facilities Architectural Revolving Fund**—A transfer of accumulated savings and accumulated interest revenue totaling \$34.3 million from the Court Facilities Architectural Revolving Fund to the SCFCF, resulting in a one-time reduction of the General Fund backfill to the SCFCF by the same amount in 2025-26.