

**STATE OF CALIFORNIA
DEPARTMENT OF MENTAL HEALTH
1600 9TH STREET
SACRAMENTO, CA 95814**

**TITLE 9, CALIFORNIA CODE OF REGULATIONS
ADOPT SECTION 4350 REGARDING CONTRABAND ELECTRONIC
DEVICES WITH COMMUNICATION AND INTERNET CAPABILITIES**

INITIAL STATEMENT OF REASONS

INTRODUCTION

Regulation Section 4350 which prohibits electronic devices with communication and internet capabilities ensures individual patients' and the public's safety and security.

**SPECIFIC PURPOSE OF EACH SECTION – GOVERNMENT CODE 11346.2
(b)(1)**

Proposed Section 4350 identifies as prohibited contraband wired and/or wireless electronic devices that have communication and/or internet capabilities, and provides examples of such prohibited devices. This section is necessary because the use of wireless communication devices in DMH state hospitals presents a security risk by circumventing monitoring processes instituted to ensure patient, staff, and public safety. In addition, this section is necessary because wireless communication are being inappropriately used among the patient population to import illegal pornographic materials, facilitate contraband exchanges, communicate with external and internal individuals, record confidential conversations, and otherwise pose significant safety and security risks.

Emergency regulations containing the identical language of the proposed regulation were filed with the Office of Administrative Law (OAL) on October 15, 2009, and were accepted for filing by the OAL on October 26, 2009. To make the emergency regulation language permanent after the expiration of the 180-day period during which time the language has the force and effect of law, DMH needs to complete this regular, noticed rulemaking action, and submit it to OAL, along with a certification that it has complied with the procedures for a regular, noticed rulemaking action no later than April 26, 2010.

OTHER REQUIRED SHOWINGS – GOVERNMENT CODE 11346.2 (b)(2)-(4)

Studies, Reports, or Documents Relied Upon – Gov. Code 11346.2(b)(2): None

Reasonable Alternatives Considered – Gov. Code 11346.2(b)(3)(A): None

Reasonable Alternatives That Would Lessen the Impact on Small Businesses – Gov. Code 11346.2 (b)(3)(B): None

Evidence Relied Upon to Support the Initial Determination That the Regulation Will Not Have A Significant Adverse Economic Impact On Business – Gov. Code 11346.2(b)(4):

The proposed regulation will not have a significant adverse economic impact upon business since it only restricts the purchase or possession of electronic devices by a small population of individual patients in secured state hospital facilities.