
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 799 **Hearing Date:** June 10, 2025
Author: Celeste Rodriguez
Version: May 29, 2025
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Prisons: death benefit for incarcerated firefighters*

HISTORY

Source: Initiate Justice Action

Prior Legislation: AB 2147 (Reyes), Ch. 60, Stats. of 2020
AB 1269 (Johnson), Ch. 497, Stats. of 1994

Support: ACLU California Action; California Public Defenders Association; Californians United for a Responsible Budget; Courage California; Debt Free Justice California; Ella Baker Center for Human Rights; Friends Committee on Legislation of California; Grip Training Institute; Initiate Justice; Justice2Jobs Coalition; La Defensa; Prosecutors Alliance of California; San Francisco Public Defender; Smart Justice California; The W. Haywood Burns Institute; Vera Institute of Justice

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to require the Department of Corrections and Rehabilitation (CDCR) to pay a death benefit, as specified, for the death of any incarcerated hand crew members in the California Conservation Camp program.

Existing law establishes CDCR and the state's prisons. (Gov. Code, § 12383, subd. (a); Pen. Code, §§ 5000, 5003.)

Existing law establishes the California Conservation Camp program to provide for the training and use of incarcerated individuals and wards assigned to the camps to perform public conservation projects. (Pub. Resources Code, § 4951.)

Existing law provides that "California Conservation Camps" or "camps" as "any camps now or hereafter established, as provided by law, for the purpose of receiving prisoners committed to the custody of the Director of Corrections and wards committed to the Director of the Youth Authority, and in which the work projects performed by the inmates or wards are supervised by employees of the department." (Pub. Resources Code, § 4952.)

Existing law authorizes any department, division, bureau, commission or other agency of the State of California or the Federal Government to use individuals confined in the state prisons to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps. (Pen. Code, § 2780.)

Existing law authorizes CDCR, during declared fire emergencies, to allow the Director of the Department of Forestry and Fire Protection (CAL Fire) to use incarcerated individuals for fire suppression efforts outside of the boundaries of California, not to exceed a distance in excess of 25 miles from the California border, along the borders of Oregon, Nevada, or Arizona. (Pen. Code, § 2780.5.)

Existing law provides that each person incarcerated in a state penal or correctional institution is entitled to workers' compensation benefits for an injury arising out of and in the course of assigned employment and for the death of the incarcerated person if the injury proximately causes death, subject to all of the following conditions:

- The incarcerated person was not injured as the result of an assault in which the person was the initial aggressor, or as the result of the intentional act of the person injuring himself or herself.
- Prohibits the incarcerated person from being entitled to any temporary disability indemnity benefits while incarcerated in a state prison.
- Prohibits benefits from being paid to an incarcerated person while incarcerated. Provides that the period of benefit payment commences upon release from incarceration. Provides that for a person who has been released from incarceration and has been receiving benefits, the benefits cease immediately upon the person's re-incarceration and are prohibited from being paid for the duration of the re-incarceration in a city or county jail, or state penal or correctional institution.
- Prohibits the provisions related to workers' compensation benefits from being construed to provide for the payment of temporary disability benefits which were not paid to an incarcerated person, upon release from incarceration.
- Provides that the average weekly earnings be taken at not more than the minimum amount set forth in existing law in determining temporary and permanent disability indemnity benefits for the incarcerated person.
- Authorizes the incarcerated person to file an application with the appeals board when a dispute exists regarding the person's rights to workers' compensation benefits. Provides that the application may be filed at any time during the incarcerated person's incarceration.
- Provides that the formerly incarcerated person has one year after release or discharge from a correctional institution to file an original application with the appeals board unless the time of injury is such that it would allow more time, as specified.
- Provides that the percentage of disability to total disability is determined as for the occupation of a laborer of like age by applying the schedule for the determination of the percentages of permanent disabilities prepared and adopted by the administrative director.
- Provides that the above provisions of law are the exclusive remedy against the state for injuries occurring while engaged in assigned work or work under contract. Provides that nothing in these provisions affects any right or remedy of an injured incarcerated person for injuries not compensated by these provisions of law. (Lab. Code, § 3370, subd. (a).)

Existing law requires CDCR to present to each incarcerated person of a state penal or correctional institution, prior to his or her first assignment to work at the institution, a printed statement of their rights, and a description of procedures to be followed in filing for benefits. Requires the statement to be posted in a conspicuous place at each place where an incarcerated person works. (Lab. Code, § 3370, subd. (b).)

Existing law requires CDCR to have medical control over treatment provided an injured incarcerated person while incarcerated in a state prison, except, that in serious cases, the incarcerated person is entitled, upon request, to the services of a consulting physician. (Lab. Code, § 3370, subd. (b).)

This bill requires CDCR, notwithstanding existing labor laws, to pay a death benefit in an amount calculated, as specified, for the death of any state prison incarcerated individual hand crew member assigned to the California Conservation Camp program.

This bill requires the death benefit to be paid within 60 days of the death of an incarcerated individual hand crew member to the beneficiary designated by the crew member to receive the death benefit if the crew member dies during any of the following circumstances:

- During performance of their duties on active deployment.
- During performance of their duties completing firefighter Conservation Camp training.
- While physically or mentally incapacitated due to the performance of their duties on active deployment or while completing firefighter Conservation Camp training.

This bill requires the death benefit to be the sum of the following amounts:

- \$50,000.
- An amount equal to 50 percent of the annual compensation earned by the deceased crew member during the 12 months immediately preceding the death of the crew member.

COMMENTS

1. Need For This Bill

According to the author:

Fire camp hand crew members, commonly referred to as incarcerated firefighters, provide the crucial public service of responding to fires, fire mitigation, and protecting life and property. Incarcerated hand crew members specifically use shovels and axes to cut down fire lines, clear debris, and chart paths for professional firefighters. During the devastating January 2025 wildfires in Los Angeles, 1,100 incarcerated hand crew members were deployed to help the city and county protect life and property. Assembly Bill 799 will provide a survivor death benefit in the amount of fifty thousand dollars to the family member(s) of an incarcerated hand crew member who loses their life while carrying out their duties. Given California's continued reliance on incarcerated hand crews for firefighting efforts, and the inherent dangers in this work, this legislation extends

the next of kin some financial protections and recognizes that their loved one's life has value.

2. Conservation (Fire) Camp Program

CDCR, in cooperation with Cal Fire and the Los Angeles County Fire Department, jointly operates 35 conservation camps, commonly referred to as fire camps, in 25 counties across the state. Conservation Camp Program participants support state, local, and federal government agencies as they respond to emergencies such as fires, floods, and other natural or manmade disasters, and complete community service projects when not assigned to an emergency. All fire camps are minimum-security facilities which are overseen by CDCR employees. Participants are supervised by Cal Fire staff when responding to a wildfire or working on a conservation project. (See <<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/>>.)

Incarcerated individual participating in fire camps receive the same entry-level training as Cal Fire's seasonal firefighters as well as ongoing training from Cal Fire throughout their time in the program. An incarcerated person must volunteer for the fire camp program, and some individuals are ineligible for fire camp assignment based on their convictions, including convictions for sex offenses, arson, and escape with force or violence. (<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/>.)

Individuals who volunteer for fire camp must complete Cal Fire's Firefighting Training Program, and program participants become certified wildland firefighters after completing this training. (<<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/>>)

3. Workers' Compensation Benefits for Incarcerated Individuals

Labor Code section 3370 provides that incarcerated individuals assigned to the fire camps are eligible for workers' compensation which is the exclusive remedy for injuries and death arising out of the and in the course of their assigned employment. (Lab. Code, § 3370, subd. (a).) Labor Code section 3370 provides that incarcerated individuals are not entitled to benefits while incarcerated, and that benefits commence upon release. (Lab. Code, § 3370, subd. (a)(3).)

This bill requires CDCR to pay a death benefit for the death of any incarcerated individual who is a hand crew member assigned to the fire camp program. This provision of the bill states that it applies notwithstanding Labor Code section 3370's language related to that code section being the exclusive remedy for workplace injuries and deaths of incarcerated individuals. This bill requires the death benefit to be paid within 60 days of the death of an incarcerated individual hand crew member to the beneficiary designated by the crew member to receive the death benefit if the crew member dies during any of the following circumstances: during performance of their duties on active deployment; during performance of their duties completing firefighter Conservation Camp training; or while physically or mentally incapacitated due to the performance of their duties on active deployment or while completing firefighter Conservation Camp training. This bill additionally requires the death benefit to be \$50,000 plus 50 percent of the annual compensation earned by the deceased crew member during the 12 months immediately preceding their death.

4. Argument in Support

Initiate Justice Action writes:

In the wake of the devastating Los Angeles fires of January 2025, over 1,100 incarcerated hand crews were deployed to Los Angeles to help the city and county respond. ...

A 2018 investigation found that incarcerated firefighters are 4 times more likely to face workplace injuries than professional firefighters, and 8 times more likely to become injured by smoke or particulate matter inhalation. Incarcerated hand crews are more susceptible to injury and death due to lack of adequate training and protective gear compared to professional firefighters. While these issues persist, AB 799 would provide important financial protections to family members of incarcerated hand crews in the event of their loved one's untimely death. Furthermore, AB 799 recognizes the inherent dangers and risks of fire response, and given California's continued reliance on incarcerated hand crews for firefighting efforts, extends them some much-needed protections.

Specifically, AB 799 would require CDCR to issue a death benefit of \$50,000 to a beneficiary of the hand crew member's choosing, plus 50% of what the hand crew member made in the 12 months immediately preceding their death. Given the woefully inadequate pay rates for hand crew members, 50% of their annual pay amounts to several hundred dollars at most. ...

Importantly, AB 799 also has guard rails in place to ensure that the death benefit can only be applied if the hand crew member's death was directly associated with fulfillment of their duties in firefighter training or on active deployment in response to a fire. No death benefit under AB 799 would be issued for deaths unrelated to fulfillment of hand crew member's duties in fire camp or institutional fire houses.

-- END --