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Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that incarcerated people often have difficulty obtaining legal information and we cannot provide specific advice to everyone who requests it. However, the laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use this information it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

CDCR LAW LIBRARY ACCESS AND CONTENTS

Updated September 2022

You are receiving this letter because you contacted our office concerning lack of access to the law library or lack of legal materials at your CDCR institution. Enclosed with this letter you will find the Title 15 regulations on CDCR law libraries. These rules describe who is eligible for increased law library access as a Priority Legal User (“PLU” status), the minimum amount of access that must be made available to people on PLU status and to people on General Legal User Status (“GLU” status), and the materials that are supposed to be available in either a print law library or the Law Library Electronic Delivery System (LLEDs).

If you are unable to access the law library for extended periods of time, or unable to find necessary materials in the law library, you can file a 602-1 administrative grievance followed by a 602-2 administrative appeal. If your administrative grievance and appeal are unsuccessful, and you are not able to get access to essential legal information or perform basic legal tasks, you can consider filing a state court petition for writ of habeas corpus. On request, Prison Law Office can provide you with free manuals on how to file administrative grievances and appeals and state court petitions for habeas corpus. Those materials are also available on the Resources page at www.prisonlaw.com.

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§ 3122. Inmate Law Library.

15 CA ADC § 3122

Barclays Official California Code of Regulations

Barclays California Code of Regulations

Title 15. Crime Prevention and Corrections

Division 3. Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs (Refs & Annos)

Subchapter 2. Inmate Resources

Article 3. Library

15 CCR § 3122

§ 3122. Inmate Law Library.

[Currentness](#)

(a) Each facility shall provide legal materials through its law library to provide inmates with meaningful access to the courts.

(b) Inmates who have established court deadlines may apply for Priority Legal User (PLU) status to the prison law libraries. Inmates who are granted PLU status based on their application shall receive higher priority to prison law library resources than other inmates. All inmates who are not on PLU status are on General Legal User (GLU) status.

(1) An established court deadline may be either a court imposed deadline for an active case or a statutory deadline. Inmates who apply for PLU status based on a court imposed deadline must show documentation from the court to verify that deadline. Inmates who apply for PLU status based on a statutory deadline must identify the legal rule that compels the deadline.

(2) An inmate who is represented by an attorney for a case shall not be eligible for PLU status for any established court deadline pertaining to that case. An inmate with attorney representation for the established court deadline shall be entitled to GLU status only.

(3) Inmates shall complete and sign a CDCR Form 2171 (Rev. 9/09), Priority Library User (PLU) Request and Declaration, which is incorporated by reference, to apply for PLU status. The Form 2171 shall include check boxes for inmates to designate their established court deadlines. The Form 2171 shall also include a check box for inmates to confirm that they do not have attorney representation for their listed deadline.

(4) Except under extraordinary circumstances beyond staff control, law library staff shall have seven calendar days after receipt of the completed and signed Form 2171 to process an inmate's application for PLU status and make a decision to approve or disapprove the application. Staff members who disapprove an inmate's application shall provide the reasons for their disapproval on the form and shall provide a copy of that document to the inmate.

(5) An inmate who is found to have provided false information on his or her application for PLU status shall be guilty of an administrative rule violation and shall not be able to obtain PLU status based on that application.

(6) An inmate may receive PLU status within 30 calendar days of his or her established court deadline unless the inmate can demonstrate need for a longer period of PLU status based on extraordinary circumstances beyond the inmate's control.

(7) PLU status is intended to assist inmates to do legal work in a quiet law library setting. An inmate on PLU status who, while in the law library, is observed by staff to act in an unreasonably disruptive manner or to engage in non-legal work shall be removed from the PLU list and shall be dismissed from the library for that day. Inmates who are removed from the PLU list for these reasons shall be ineligible to reapply for PLU status for 30 calendar days, but may continue to use the law library on GLU status.

(c) Inmates may not in any way trade, transfer, or delegate their PLU status to other inmates. An inmate who assists another inmate in the preparation of legal documents, as described in section 3163, may not use the PLU status of the inmate being assisted.

(d) An inmate in a facility without a law library and requesting access to such resources shall be transferred to a facility with a law library of departmental choosing for the period of time needed to complete legal work.

Credits

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; and *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

HISTORY

1. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Renumbering and amendment of former section 3121 to section 3122 and renumbering and amendment of former section 3122 to section 3121 filed 6-30-93; operative 7-30-93 (Register 93, No. 27).
3. Amendment of subsection (a), new subsections (b)-(c), subsection relettering and amendment of NOTE filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

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§ 3123. Access to Law Libraries.

15 CA ADC § 3123

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Article 3. Library

15 CCR § 3123

§ 3123. Access to Law Libraries.

Currentness

(a) Physical law library access means physical entry into a facility law library for the purpose of using its legal resources. A facility law library includes, but is not limited to, a print law library or the Law Library Electronic Delivery System (LLEDs) with any necessary print supplements.

(b) All inmates, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts. Inmates on PLU status may receive a minimum of 4 hours per calendar week of requested physical law library access, as resources are available, and shall be given higher priority to the law library resources. Inmates on GLU status may receive a minimum of 2 hours per calendar week of requested physical law library access, as resources are available.

(c) When unable to physically access the law library, an inmate may request access to legal material through delivery of those materials to the inmate by library staff. This process is referred to as law library paging. An inmate shall not be limited to law library paging for access to legal materials except under extraordinary circumstances including, but not limited to, the following:

- (1) The inmate is directly under a prison lockdown or modified program.
- (2) The inmate is under restricted movement due to his or her medical status.
- (3) The inmate has been suspended from physical access to the law library pending

investigation of a serious rule violation.

(d) Inmates who are limited to law library paging due to a lockdown or modified program shall, whenever possible, have their law library access restored within 16 calendar days unless a high security risk continues to exist to prohibit physical law library access.

(e) When inmates are limited to law library paging for any reason as described in section 3123(c), law library staff must deliver the requested legal material to their cells as soon as possible, but no later than 16 calendar days from the date of the paging request.

(f) Disciplinary action for an inmate who is found to be guilty of a serious rule violation pertaining to law library resources, facilities, or staff may include a suspension of all physical law library access for up to 90 calendar days. This action does not preclude an inmate from pursuing legal research through the reasonable use of law library paging, beginning three calendar days after the date of suspension until the suspension period ends.

Credits

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

HISTORY

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).
2. Amendment of subsections (c)(1) and (d) filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

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Cal. Admin. Code tit. 15, § 3123, 15 CA ADC § 3123

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§ 3124. Content of Law Libraries.

15 CA ADC § 3124

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Barclays California Code of Regulations

Title 15. Crime Prevention and Corrections

Division 3. Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs (Refs & Annos)

Subchapter 2. Inmate Resources

Article 3. Library

15 CCR § 3124

§ 3124. Content of Law Libraries.

[Currentness](#)

(a) Each institution shall maintain at least one law library for the use of inmates by means of the Law Library Electronic Delivery System (LLEDs). Except for items that are no longer published, the law library collection shall include, but shall not be limited to, the following legal materials, latest edition or update, or their equivalents from other publishers:

- (1) Deering's California Codes Annotated.
- (2) Judicial Council of California Civil and Criminal Jury Instructions.
- (3) Michie, California Official Reports.
- (4) Matthew Bender, Standard California Codes: Rules of Court.
- (5) Matthew Bender, California Criminal Defense Practice.
- (6) Matthew Bender, California Criminal Discovery.
- (7) Matthew Bender, California Evidence Courtroom Manual.
- (8) Matthew Bender, California Forms of Pleading and Practice.
- (9) Michie, United States Code Service.
- (10) Matthew Bender, Moore's Federal Practice.

- (11) All United States Supreme Court Cases.
- (12) All Federal Appeals Court Cases.
- (13) All Federal District Court Cases.
- (14) Anderson, Constitutional Rights of Prisoners.
- (15) Michie, Federal Habeas Corpus Practice and Procedure.
- (16) The Daily Journal (newspaper).
- (17) Shepard's United States Citations.
- (18) Shepard's Federal Citations.
- (19) Shepard's California Citations.
- (20) A recognized law dictionary, such as Black's or Ballantine's.
- (21) California Code of Regulations.
- (22) California Family Law Litigation Guide.
- (23) California Family Law Practice and Procedure.
- (24) Civil Rights Actions.
- (25) Cotchett, California Courtroom Evidence.
- (26) California Juvenile Courts Practice and Procedure.
- (27) California Superior Court Local Rules.

(b) Each institution shall also make supplemental legal materials available to inmates by means of the Law Library Electronic Delivery System (LLEDs). Except for items that are no longer published, the supplemental legal materials shall include, but shall not be limited to, the following legal materials or their equivalents from other publishers:

- (1) California Jurisprudence.

Credits

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996); and *Bounds v. Smith*, 430 U.S. 817 (1977).

HISTORY

- 1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

2. Amendment of subsection (a), repealer and new subsections (a)(1)-(a)(16), new subsections (a)(21)-(a)(27), repealer of subsections (b)(1)-(b)(5) and subsection renumbering filed 6-2-2015 as an emergency; operative 6-2-2015 (Register 2015, No. 23). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-9-2015 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 6-2-2015 order, including amendment of subsections (a)(2)-(3), (a)(9) and (a)(12)-(13) and amendment of NOTE, transmitted to OAL 10-28-2015 and filed 12-14-2015; amendments effective 12-14-2015 pursuant to Government Code section 11343.4(b)(3) (Register 2015, No. 51).

4. Amendment of section and NOTE filed 7-20-2021; operative 10-1-2021 (Register 2021, No. 30). Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

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Cal. Admin. Code tit. 15, § 3124, 15 CA ADC § 3124

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