



# SB 309 (Cortese): Religious Accommodations



## CAIR-CA Position: SPONSOR

### Summary

SB 309, authored by Senator Dave Cortese, would establish a comprehensive and uniform policy on religious clothing, headwear, and grooming, ensuring the dignity and the right to religious exercise of those incarcerated and in the custody of California's prisons, jails, and other detention facilities.

### Background & Problem

California has an incarceration rate higher than the United Kingdom, Portugal, Canada, France, Belgium, and Italy combined and is one of the largest sources of prisoner complaints of free exercise grievances in the country. The prevalence of California cases suggests a gap in policies on religious accommodations, including clothing, grooming, and headwear.

Currently, California does not have a consistent or codified statewide policy for state and local correctional and detention facilities that ensure the right to religious clothing, grooming, and headwear accommodations for individuals in their custody. While the California Department of Corrections and Rehabilitation (CDCR) policies and regulations touch on the right to certain religious clothing and headwear, they are limited to state-run facilities and do not meet the heightened protections provided under federal law.

The Board of State and Community Corrections (BSCC), tasked with providing minimum standards for local detention facilities, provides no guidance on religious accommodations, leaving it to the discretion of each local detention facility, city, or county to adopt their own policies. As a result, there are inconsistent policies for religious clothing, headwear, and grooming from one facility to another, leaving many of those incarcerated unprotected and stripped of their right to practice this important dimension of their faith.

The U.S. Constitution and Religious Land Use and Institutionalized Persons Act (RLUIPA) protects an incarcerated person's right to practice their religion. Under RLUIPA, a prison or jail cannot substantially burden the right to practice religion unless it can demonstrate that it has a compelling interest that cannot be achieved through any other less restrictive means.

### Solution

This bill will establish a uniform statewide policy on religious clothing, headwear, and grooming accommodations for those incarcerated and in the custody of state and local detention facilities. In doing so, all state and local facilities will follow cohesive guidelines which ensure the dignity and right to religious exercise for those in the California carceral system and are aligned with federal provisions. SB 309 accomplishes this in several ways, including the following:

- Establishing a written right to religious clothing, headwear, and grooming.
- Requiring specified procedures by facilities to accommodate religious clothing, headwear, and grooming requirements, including providing facility-issue religious garments or allowing individuals to retain their own.
- By 2025, requiring the county sheriff or administrator of a local detention facility to develop and implement policy on religious clothing, headwear, and grooming accommodations following these requirements and best practices.

In protecting the right to religious exercise, SB 309 will help, facilitate the rehabilitation process, reduce violence and other negative behaviors in prisons, and reduce recidivism.

### Support

- Council on American-Islamic Relations, California (Sponsor)
- Church State Council (Co-Sponsor)
- Exodus Project, St. Vincent De Paul Sacramento (Co-Sponsor)
- Jakara Movement (Co-Sponsor)

- Tayba Foundation (Co-Sponsor)
- ACLU California Action
- California Attorneys for Criminal Justice
- California Catholic Conference
- California Coalition for Women Prisoners
- Californians for Safety and Justice
- California Immigrant Policy Center
- California Public Defenders Association
- Ella Baker Center for Human Rights
- Friends Committee on Legislation of California
- Initiate Justice Action
- Legal Services for Prisoners with Children
- National Association of Social Workers
- Prosecutors Alliance of California
- Sacred Resistance + Interfaith Refugee & Immigration Services
- Sikh Coalition
- South Asian Network