

AMENDED IN SENATE JUNE 15, 2004

AMENDED IN SENATE JUNE 10, 2004

AMENDED IN ASSEMBLY APRIL 13, 2004

AMENDED IN ASSEMBLY MARCH 18, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1865**

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**Introduced by Assembly Members Spitzer and Bermudez**  
~~(Coauthors: Assembly Members Benoit, Garcia, La Malfa,~~  
**Maddox, and Runner)**  
(Coauthor: Senator Denham)

February 2, 2004

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An act to add Section 3069 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 1865, as amended, Spitzer. Parole: Employment of parolees.

Existing law provides for the parole of state prison inmates, who may be returned to custody or face other sanctions for violations of parole conditions. Existing law makes available to parolees certain treatment, training, and employment programs.

This bill would forbid the Department of Corrections or any employee or contractor of the department providing job placement services on behalf of the department to refer a parolee to any place of employment of a character inconsistent with an employment restriction attached to the parolee by reason of the nature of his or her criminal history. *The bill would provide that a violation of these provisions by the Department of Corrections would result in the forfeiture of \$1,000 of the*

*moneys appropriated for the support of the department in the state budget for that year. The bill would further provide that the Office of the Inspector General would determine what constitutes an inappropriate placement, and that any disputes or appeals surrounding the placement process would be adjudicated pursuant to the Administrative Procedure Act.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3069 is added to the Penal Code, to read:  
2 3069. Neither the Department of Corrections nor any  
3 employee or contractor providing job placement services on  
4 behalf of the Department of Corrections shall refer a parolee to any  
5 place of employment of a character inconsistent with an  
6 employment restriction attached to the parolee by reason of the  
7 nature of his or her criminal history. *Violation of this section by*  
8 *the Department of Corrections shall result in the forfeiture of one*  
9 *thousand dollars (\$1,000) of the moneys appropriated for the*  
10 *support of the Department of Corrections in the state budget for*  
11 *that year. The Office of the Inspector General shall determine what*  
12 *constitutes an inappropriate placement. Any disputes or appeals*  
13 *surrounding the placement process shall be adjudicated pursuant*  
14 *to the Administrative Procedures Act (Chapter 5 (commencing*  
15 *with Section 11500) of Part 1 of Division 3 of Title 2 of the*  
16 *Government Code).*

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