

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 96

Introduced by Assembly Member Cohn
(Principal coauthor: Senator Alquist)

January 11, 2005

An act to ~~amend Section 1203.097 of~~ *add Section 676* to the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

AB 96, as amended, Cohn. ~~Terms of probation: domestic violence: child support.~~ *Sentencing: high-risk sex offenders: enhancements.*

Existing law specifies the conditions of probation for a crime of domestic violence, including a minimum payment of \$400 to domestic violence related funds and successful completion of a batterer's treatment at the defendant's own expense, based upon ability to pay. Existing law also provides that, in lieu of a fine, the defendant may be ordered to make payments to a battered women's shelter or pay restitution, based upon ability to pay. Existing law provides that no order to make payments to a battered women's shelter shall be imposed if it would impair the defendant's ability to pay court-ordered child support. Existing law also provides that if, upon motion, the court finds that the defendant has not complied with a condition of probation, the court shall proceed with further sentencing.

This bill would add payment of any court-ordered child support as a condition of probation for domestic violence.

Because this bill would change the conditions for probation for various crimes of domestic violence, this bill would impose a state-mandated local program.

Existing law establishes various sentencing enhancements for various crimes, circumstances, and conduct.

This bill would establish a sentence enhancement of 5 years in the state prison for any high-risk sex offender convicted of a felony, as specified.

By increasing the burden on local prosecuting authorities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 ~~SECTION 1. Section 1203.097 of the Penal Code, as~~
2 ~~amended by Section 1 of Chapter 431 of the Statutes of 2003, is~~
3 ~~amended to read:~~
4 ~~1203.097. (a) If a person is granted probation for a crime in~~
5 ~~which the victim is a person defined in Section 6211 of the~~
6 ~~Family Code, the terms of probation shall include all of the~~
7 ~~following:~~
8 ~~(1) A minimum period of probation of 36 months, which may~~
9 ~~include a period of summary probation as appropriate.~~
10 ~~(2) A criminal court protective order protecting the victim~~
11 ~~from further acts of violence, threats, stalking, sexual abuse, and~~
12 ~~harassment, and, if appropriate, containing residence exclusion or~~
13 ~~stay-away conditions.~~
14 ~~(3) Notice to the victim of the disposition of the case.~~
15 ~~(4) Booking the defendant within one week of sentencing if~~
16 ~~the defendant has not already been booked.~~
17 ~~(5) The defendant shall pay all court-ordered child support.~~
18 ~~(6) A minimum payment by the defendant of four hundred~~
19 ~~dollars (\$400) to be disbursed as specified in this paragraph. If,~~
20 ~~after a hearing in court on the record, the court finds that the~~
21 ~~defendant does not have the ability to pay, the court may reduce~~
22 ~~or waive this fee.~~

1 ~~Two-thirds of the moneys deposited with the county treasurer~~
2 ~~pursuant to this section shall be retained by counties and~~
3 ~~deposited in the domestic violence programs special fund created~~
4 ~~pursuant to Section 18305 of the Welfare and Institutions Code,~~
5 ~~to be expended for the purposes of Chapter 5 (commencing with~~
6 ~~Section 18290) of Part 6 of Division 9 of the Welfare and~~
7 ~~Institutions Code. The remainder shall be transferred, once a~~
8 ~~month, to the Controller for deposit in equal amounts in the~~
9 ~~Domestic Violence Restraining Order Reimbursement Fund and~~
10 ~~in the Domestic Violence Training and Education Fund, which~~
11 ~~are hereby created, in an amount equal to one-third of funds~~
12 ~~collected during the preceding month. In no event may the funds~~
13 ~~transferred to the Controller be less than one hundred thirty-three~~
14 ~~dollars (\$133) for each defendant. However, if the court orders~~
15 ~~the defendant to pay less than two hundred dollars (\$200)~~
16 ~~because of his or her inability to pay, the state shall receive~~
17 ~~two-thirds of the payment. Moneys deposited into these funds~~
18 ~~pursuant to this section shall be available upon appropriation by~~
19 ~~the Legislature and shall be distributed each fiscal year as~~
20 ~~follows:~~

21 ~~(A) Funds from the Domestic Violence Restraining Order~~
22 ~~Reimbursement Fund shall be distributed to local law~~
23 ~~enforcement or other criminal justice agencies for state-mandated~~
24 ~~local costs resulting from the notification requirements set forth~~
25 ~~in subdivision (b) of Section 6380 of the Family Code, based on~~
26 ~~the annual notification from the Department of Justice of the~~
27 ~~number of restraining orders issued and registered in the state~~
28 ~~domestic violence restraining order registry maintained by the~~
29 ~~Department of Justice, for the development and maintenance of~~
30 ~~the domestic violence restraining order databank system.~~

31 ~~(B) Funds from the Domestic Violence Training and~~
32 ~~Education Fund shall support a statewide training and education~~
33 ~~program to increase public awareness of domestic violence and~~
34 ~~to improve the scope and quality of services provided to the~~
35 ~~victims of domestic violence. Grants to support this program~~
36 ~~shall be awarded on a competitive basis and be administered by~~
37 ~~the State Department of Health Services, in consultation with the~~
38 ~~statewide domestic violence coalition, which is eligible to receive~~
39 ~~funding under this section.~~

40 -

1 ~~(7) Successful completion of a batterer's program, as defined~~
2 ~~in subdivision (c), or if none is available, another appropriate~~
3 ~~counseling program designated by the court, for a period not less~~
4 ~~than one year with periodic progress reports by the program to~~
5 ~~the court every three months or less and weekly sessions of a~~
6 ~~minimum of two hours class time duration. The defendant shall~~
7 ~~attend consecutive weekly sessions, unless granted an excused~~
8 ~~absence for good cause by the program for no more than three~~
9 ~~individual sessions during the entire program, and shall complete~~
10 ~~the program within 18 months, unless, after a hearing, the court~~
11 ~~finds good cause to modify the requirements of consecutive~~
12 ~~attendance or completion within 18 months.~~

13 ~~(8) (A) (i) The court shall order the defendant to comply with~~
14 ~~all probation requirements, including the requirements to attend~~
15 ~~counseling, keep all program appointments, and pay program~~
16 ~~fees based upon the ability to pay.~~

17 ~~(ii) The terms of probation for offenders shall not be lifted~~
18 ~~until all reasonable fees due to the counseling program have been~~
19 ~~paid in full, but in no case shall probation be extended beyond~~
20 ~~the term provided in subdivision (a) of Section 1203.1. If the~~
21 ~~court finds that the defendant does not have the ability to pay the~~
22 ~~fees based on the defendant's changed circumstances, the court~~
23 ~~may reduce or waive the fees.~~

24 ~~(B) Upon request by the batterer's program, the court shall~~
25 ~~provide the defendant's arrest report, prior incidents of violence,~~
26 ~~and treatment history to the program.~~

27 -

28 ~~(9) The court also shall order the defendant to perform a~~
29 ~~specified amount of appropriate community service, as~~
30 ~~designated by the court. The defendant shall present the court~~
31 ~~with proof of completion of community service and the court~~
32 ~~shall determine if the community service has been satisfactorily~~
33 ~~completed. If sufficient staff and resources are available, the~~
34 ~~community service shall be performed under the jurisdiction of~~
35 ~~the local agency overseeing a community service program.~~

36 -

37 ~~(10) If the program finds that the defendant is unsuitable, the~~
38 ~~program shall immediately contact the probation department or~~
39 ~~the court. The probation department or court shall either~~

1 ~~recalendar the case for hearing or refer the defendant to an~~
2 ~~appropriate alternative batterer's program.~~

3 -

4 ~~(11) (A) Upon recommendation of the program, a court shall~~
5 ~~require a defendant to participate in additional sessions~~
6 ~~throughout the probationary period, unless it finds that it is not in~~
7 ~~the interests of justice to do so, states its reasons on the record,~~
8 ~~and enters them into the minutes. In deciding whether the~~
9 ~~defendant would benefit from more sessions, the court shall~~
10 ~~consider whether any of the following conditions exist:~~

11 ~~(i) The defendant has been violence free for a minimum of six~~
12 ~~months.~~

13 ~~(ii) The defendant has cooperated and participated in the~~
14 ~~batterer's program.~~

15 ~~(iii) The defendant demonstrates an understanding of and~~
16 ~~practices positive conflict resolution skills.~~

17 ~~(iv) The defendant blames, degrades, or has committed acts~~
18 ~~that dehumanize the victim or puts at risk the victim's safety,~~
19 ~~including, but not limited to, molesting, stalking, striking,~~
20 ~~attacking, threatening, sexually assaulting, or battering the~~
21 ~~victim.~~

22 ~~(v) The defendant demonstrates an understanding that the use~~
23 ~~of coercion or violent behavior to maintain dominance is~~
24 ~~unacceptable in an intimate relationship.~~

25 ~~(vi) The defendant has made threats to harm anyone in any~~
26 ~~manner.~~

27 ~~(vii) The defendant has complied with applicable requirements~~
28 ~~under paragraph (6) of subdivision (e) or subparagraph (C) to~~
29 ~~receive alcohol counseling, drug counseling, or both.~~

30 ~~(viii) The defendant demonstrates acceptance of responsibility~~
31 ~~for the abusive behavior perpetrated against the victim.~~

32 ~~(B) The program shall immediately report any violation of the~~
33 ~~terms of the protective order, including any new acts of violence~~
34 ~~or failure to comply with the program requirements, to the court,~~
35 ~~the prosecutor, and, if formal probation has been ordered, to the~~
36 ~~probation department. The probationer shall file proof of~~
37 ~~enrollment in a batterer's program with the court within 30 days~~
38 ~~of conviction.~~

39 ~~(C) Concurrent with other requirements under this section, in~~
40 ~~addition to, and not in lieu of, the batterer's program, and unless~~

1 prohibited by the referring court, the probation department or the
2 court may make provisions for a defendant to use his or her
3 resources to enroll in a chemical dependency program or to enter
4 voluntarily a licensed chemical dependency recovery hospital or
5 residential treatment program that has a valid license issued by
6 the state to provide alcohol or drug services to receive program
7 participation credit, as determined by the court. The probation
8 department shall document evidence of this hospital or
9 residential treatment participation in the defendant's program
10 file.

11 -

12 (12) The conditions of probation may include, in lieu of a fine,
13 but not in lieu of the fund payment required under paragraph (5),
14 one or more of the following requirements:

15 (A) That the defendant make payments to a battered women's
16 shelter, up to a maximum of five thousand dollars (\$5,000).

17 (B) That the defendant reimburse the victim for reasonable
18 expenses that the court finds are the direct result of the
19 defendant's offense.

20 For any order to pay a fine, to make payments to a battered
21 women's shelter, or to pay restitution as a condition of probation
22 under this subdivision, the court shall make a determination of
23 the defendant's ability to pay. Determination of a defendant's
24 ability to pay may include his or her future earning capacity. A
25 defendant shall bear the burden of demonstrating lack of his or
26 her ability to pay. Express findings by the court as to the factors
27 bearing on the amount of the fine shall not be required. In no
28 event shall any order to make payments to a battered women's
29 shelter be made if it would impair the ability of the defendant to
30 pay direct restitution to the victim or court-ordered child support.
31 When the injury to a married person is caused, in whole or in
32 part, by the criminal acts of his or her spouse in violation of this
33 section, the community property shall not be used to discharge
34 the liability of the offending spouse for restitution to the injured
35 spouse, as required by Section 1203.04, as operative on or before
36 August 2, 1995, or Section 1202.4, or to a shelter for costs with
37 regard to the injured spouse, until all separate property of the
38 offending spouse is exhausted.

39 -

1 ~~(13) If it appears to the prosecuting attorney, the court, or the~~
2 ~~probation department that the defendant is performing~~
3 ~~unsatisfactorily in the assigned program, is not benefiting from~~
4 ~~counseling, or has engaged in criminal conduct, upon request of~~
5 ~~the probation officer, the prosecuting attorney, or on its own~~
6 ~~motion, the court, as a priority calendar item, shall hold a hearing~~
7 ~~to determine whether further sentencing should proceed. The~~
8 ~~court may consider factors, including, but not limited to, any~~
9 ~~violence by the defendant against the former or a new victim~~
10 ~~while on probation and noncompliance with any other specific~~
11 ~~condition of probation. If the court finds that the defendant is not~~
12 ~~performing satisfactorily in the assigned program, is not~~
13 ~~benefiting from the program, has not complied with a condition~~
14 ~~of probation, or has engaged in criminal conduct, the court shall~~
15 ~~terminate the defendant's participation in the program and shall~~
16 ~~proceed with further sentencing.~~

17 ~~(b) If a person is granted formal probation for a crime in which~~
18 ~~the victim is a person defined in Section 6211 of the Family~~
19 ~~Code, in addition to the terms specified in subdivision (a), all of~~
20 ~~the following shall apply:~~

21 ~~(1) The probation department shall make an investigation and~~
22 ~~take into consideration the defendant's age, medical history,~~
23 ~~employment and service records, educational background,~~
24 ~~community and family ties, prior incidents of violence, police~~
25 ~~report, treatment history, if any, demonstrable motivation, and~~
26 ~~other mitigating factors in determining which batterer's program~~
27 ~~would be appropriate for the defendant. This information shall be~~
28 ~~provided to the batterer's program if it is requested. The~~
29 ~~probation department shall also determine which community~~
30 ~~programs the defendant would benefit from and which of those~~
31 ~~programs would accept the defendant. The probation department~~
32 ~~shall report its findings and recommendations to the court.~~

33 ~~(2) The court shall advise the defendant that the failure to~~
34 ~~report to the probation department for the initial investigation, as~~
35 ~~directed by the court, or the failure to enroll in a specified~~
36 ~~program, as directed by the court or the probation department,~~
37 ~~shall result in possible further incarceration. The court, in the~~
38 ~~interests of justice, may relieve the defendant from the~~
39 ~~prohibition set forth in this subdivision based upon the~~
40 ~~defendant's mistake or excusable neglect. Application for this~~

1 relief shall be filed within 20 court days of the missed deadline.
2 This time limitation may not be extended. A copy of any
3 application for relief shall be served on the office of the
4 prosecuting attorney.

5 (3) After the court orders the defendant to a batterer's
6 program, the probation department shall conduct an initial
7 assessment of the defendant, including, but not limited to, all of
8 the following:

9 (A) Social, economic, and family background.

10 (B) Education.

11 (C) Vocational achievements.

12 (D) Criminal history.

13 (E) Medical history.

14 (F) Substance abuse history.

15 (G) Consultation with the probation officer.

16 (H) Verbal consultation with the victim, only if the victim
17 desires to participate.

18 (I) Assessment of the future probability of the defendant
19 committing murder.

20 (4) The probation department shall attempt to notify the victim
21 regarding the requirements for the defendant's participation in
22 the batterer's program, as well as regarding available victim
23 resources. The victim also shall be informed that attendance in
24 any program does not guarantee that an abuser will not be
25 violent.

26 (e) The court or the probation department shall refer
27 defendants only to batterer's programs that follow standards
28 outlined in paragraph (1), which may include, but are not limited
29 to, lectures, classes, group discussions, and counseling. The
30 probation department shall design and implement an approval
31 and renewal process for batterer's programs and shall solicit
32 input from criminal justice agencies and domestic violence
33 victim advocacy programs.

34 (1) The goal of a batterer's program under this section shall be
35 to stop domestic violence. A batterer's program shall consist of
36 the following components:

37 (A) Strategies to hold the defendant accountable for the
38 violence in a relationship, including, but not limited to, providing
39 the defendant with a written statement that the defendant shall be
40 held accountable for acts or threats of domestic violence.

- 1 ~~(B) A requirement that the defendant participate in ongoing~~
2 ~~same-gender group sessions.~~
- 3 ~~(C) An initial intake that provides written definitions to the~~
4 ~~defendant of physical, emotional, sexual, economic, and verbal~~
5 ~~abuse, and the techniques for stopping these types of abuse.~~
- 6 ~~(D) Procedures to inform the victim regarding the~~
7 ~~requirements for the defendant's participation in the intervention~~
8 ~~program as well as regarding available victim resources. The~~
9 ~~victim also shall be informed that attendance in any program~~
10 ~~does not guarantee that an abuser will not be violent.~~
- 11 ~~(E) A requirement that the defendant attend group sessions~~
12 ~~free of chemical influence.~~
- 13 ~~(F) Educational programming that examines, at a minimum,~~
14 ~~gender roles, socialization, the nature of violence, the dynamics~~
15 ~~of power and control, and the effects of abuse on children and~~
16 ~~others.~~
- 17 ~~(G) A requirement that excludes any couple counseling or~~
18 ~~family counseling, or both.~~
- 19 ~~(H) Procedures that give the program the right to assess~~
20 ~~whether or not the defendant would benefit from the program and~~
21 ~~to refuse to enroll the defendant if it is determined that the~~
22 ~~defendant would not benefit from the program, so long as the~~
23 ~~refusal is not because of the defendant's inability to pay. If~~
24 ~~possible, the program shall suggest an appropriate alternative~~
25 ~~program.~~
- 26 ~~(I) Program staff who, to the extent possible, have specific~~
27 ~~knowledge regarding, but not limited to, spousal abuse, child~~
28 ~~abuse, sexual abuse, substance abuse, the dynamics of violence~~
29 ~~and abuse, the law, and procedures of the legal system.~~
- 30 ~~(J) Program staff who are encouraged to utilize the expertise,~~
31 ~~training, and assistance of local domestic violence centers.~~
- 32 ~~(K) A requirement that the defendant enter into a written~~
33 ~~agreement with the program, which shall include an outline of~~
34 ~~the contents of the program, the attendance requirements, the~~
35 ~~requirement to attend group sessions free of chemical influence,~~
36 ~~and a statement that the defendant may be removed from the~~
37 ~~program if it is determined that the defendant is not benefiting~~
38 ~~from the program or is disruptive to the program.~~
- 39 ~~(L) A requirement that the defendant sign a confidentiality~~
40 ~~statement prohibiting disclosure of any information obtained~~

1 through participating in the program or during group sessions
2 regarding other participants in the program.

3 ~~(M) Program content that provides cultural and ethnic
4 sensitivity.~~

5 ~~(N) A requirement of a written referral from the court or
6 probation department prior to permitting the defendant to enroll
7 in the program. The written referral shall state the number of
8 minimum sessions required by the court.~~

9 ~~(O) Procedures for submitting to the probation department all
10 of the following uniform written responses:~~

11 ~~(i) Proof of enrollment, to be submitted to the court and the
12 probation department and to include the fee determined to be
13 charged to the defendant, based upon the ability to pay, for each
14 session.~~

15 ~~(ii) Periodic progress reports that include attendance, fee
16 payment history, and program compliance.~~

17 ~~(iii) Final evaluation that includes the program's evaluation of
18 the defendant's progress, using the criteria set forth in paragraph
19 (4) of subdivision (a) and recommendation for either successful
20 or unsuccessful termination or continuation in the program.~~

21 ~~(P) A sliding fee schedule based on the defendant's ability to
22 pay. The batterer's program shall develop and utilize a sliding fee
23 scale that recognizes both the defendant's ability to pay and the
24 necessity of programs to meet overhead expenses. An indigent
25 defendant may negotiate a deferred payment schedule, but shall
26 pay a nominal fee, if the defendant has the ability to pay the
27 nominal fee. Upon a hearing and a finding by the court that the
28 defendant does not have the financial ability to pay the nominal
29 fee, the court shall waive this fee. The payment of the fee shall be
30 made a condition of probation if the court determines the
31 defendant has the present ability to pay the fee. The fee shall be
32 paid during the term of probation unless the program sets other
33 conditions. The acceptance policies shall be in accordance with
34 the sealed fee system.~~

35 ~~(2) The court shall refer persons only to batterer's programs
36 that have been approved by the probation department pursuant to
37 paragraph (5). The probation department shall do both of the
38 following:~~

39 ~~(A) Provide for the issuance of a provisional approval,
40 provided that the applicant is in substantial compliance with~~

1 applicable laws and regulations and an urgent need for approval
2 exists. A provisional approval shall be considered an
3 authorization to provide services and shall not be considered a
4 vested right.

5 (B) If the probation department determines that a program is
6 not in compliance with standards set by the department, the
7 department shall provide written notice of the noncompliant
8 areas to the program. The program shall submit a written plan of
9 corrections within 14 days from the date of the written notice on
10 noncompliance. A plan of correction shall include, but not be
11 limited to, a description of each corrective action and timeframe
12 for implementation. The department shall review and approve all
13 or any part of the plan of correction and notify the program of
14 approval or disapproval in writing. If the program fails to submit
15 a plan of correction or fails to implement the approved plan of
16 correction, the department shall consider whether to revoke or
17 suspend approval and, upon revoking or suspending approval,
18 shall have the option to cease referrals of defendants under this
19 section.

20 (3) No program, regardless of its source of funding, shall be
21 approved unless it meets all of the following standards:

22 (A) The establishment of guidelines and criteria for education
23 services, including standards of services that may include
24 lectures, classes, and group discussions.

25 (B) Supervision of the defendant for the purpose of evaluating
26 the person's progress in the program.

27 (C) Adequate reporting requirements to ensure that all persons
28 who, after being ordered to attend and complete a program, may
29 be identified for either failure to enroll in, or failure to
30 successfully complete, the program or for the successful
31 completion of the program as ordered. The program shall notify
32 the court and the probation department, in writing, within the
33 period of time and in the manner specified by the court of any
34 person who fails to complete the program. Notification shall be
35 given if the program determines that the defendant is performing
36 unsatisfactorily or if the defendant is not benefiting from the
37 education, treatment, or counseling.

38 (D) No victim shall be compelled to participate in a program
39 or counseling, and no program may condition a defendant's
40 enrollment on participation by the victim.

1 ~~(4) In making referrals of indigent defendants to approved~~
2 ~~batterer's programs, the probation department shall apportion~~
3 ~~these referrals evenly among the approved programs.~~

4 ~~(5) The probation department shall have the sole authority to~~
5 ~~approve a batterer's program for probation. The program shall be~~
6 ~~required to obtain only one approval but shall renew that~~
7 ~~approval annually.~~

8 ~~(A) The procedure for the approval of a new or existing~~
9 ~~program shall include all of the following:~~

10 ~~(i) The completion of a written application containing~~
11 ~~necessary and pertinent information describing the applicant~~
12 ~~program.~~

13 ~~(ii) The demonstration by the program that it possesses~~
14 ~~adequate administrative and operational capability to operate a~~
15 ~~batterer's treatment program. The program shall provide~~
16 ~~documentation to prove that the program has conducted~~
17 ~~batterer's programs for at least one year prior to application. This~~
18 ~~requirement may be waived under subparagraph (A) of paragraph~~
19 ~~(2) if there is no existing batterer's program in the city, county,~~
20 ~~or city and county.~~

21 ~~(iii) The onsite review of the program, including monitoring of~~
22 ~~a session to determine that the program adheres to applicable~~
23 ~~statutes and regulations.~~

24 ~~(iv) The payment of the approval fee.~~

25 ~~(B) The probation department shall fix a fee for approval not~~
26 ~~to exceed two hundred fifty dollars (\$250) and for approval~~
27 ~~renewal not to exceed two hundred fifty dollars (\$250) every~~
28 ~~year in an amount sufficient to cover its costs in administering~~
29 ~~the approval process under this section. No fee shall be charged~~
30 ~~for the approval of local governmental entities.~~

31 ~~(C) The probation department has the sole authority to~~
32 ~~approve the issuance, denial, suspension, or revocation of~~
33 ~~approval and to cease new enrollments or referrals to a batterer's~~
34 ~~program under this section. The probation department shall~~
35 ~~review information relative to a program's performance or failure~~
36 ~~to adhere to standards, or both. The probation department may~~
37 ~~suspend or revoke any approval issued under this subdivision or~~
38 ~~deny an application to renew an approval or to modify the terms~~
39 ~~and conditions of approval, based on grounds established by~~
40 ~~probation, including, but not limited to, either of the following:~~

1 ~~(i) Violation of this section by any person holding approval or~~
2 ~~by a program employee in a program under this section.~~

3 ~~(ii) Misrepresentation of any material fact in obtaining the~~
4 ~~approval.~~

5 ~~(6) For defendants who are chronic users or serious abusers of~~
6 ~~drugs or alcohol, standard components in the program shall~~
7 ~~include concurrent counseling for substance abuse and violent~~
8 ~~behavior, and in appropriate cases, detoxification and abstinence~~
9 ~~from the abused substance.~~

10 ~~(7) The program shall conduct an exit conference that assesses~~
11 ~~the defendant's progress during his or her participation in the~~
12 ~~batterer's program.~~

13 ~~(d) This section shall remain in effect only until January 1,~~
14 ~~2007, and as of that date is repealed, unless a later enacted~~
15 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
16 ~~that date.~~

17 *SECTION 1. Section 676 is added to the Penal Code, to read:*

18 *676. Any person who is a high-risk sex offender as defined in*
19 *subdivision (b) of Section 290.45, who is convicted of, or pleads*
20 *nolo contendere to, any felony, shall, in addition to any other*
21 *penalty imposed, be punishable by five years imprisonment in the*
22 *state prison. This term of imprisonment shall be served*
23 *consecutively, where any other term of imprisonment is imposed.*

24 *SEC. 2. No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the*
29 *penalty for a crime or infraction, within the meaning of Section*
30 *17556 of the Government Code, or changes the definition of a*
31 *crime within the meaning of Section 6 of Article XIII B of the*
32 *California Constitution.*