

**ASSEMBLY BILL**

**No. 313**

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**Introduced by Assembly Member Ruskin**

February 10, 2005

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An act to amend Section 14681.5 of the Government Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 313, as introduced, Ruskin. Department of Corrections: notice: parole offices.

Existing law requires the Director of Corrections, Director of the Youth Authority, or Director of General Services to notify, in writing, certain state and local officials of any proposed contract to construct, expand, or enter into a lease for, a building in that official's jurisdiction.

This bill would require that written notice to be accompanied by a response form, to be returned by each local official, if the proposed building is a parole office. The local official would be required to return the form with his or her acceptance or objection to the proposed building, within 45 days. The bill would prohibit the applicable department from entering into a contract for constructing, expanding, or leasing a parole office before all response forms are returned, and before holding a public hearing on any objections raised.

This bill would prohibit a parole office from being located within 1,000 feet of any private or public school, day care center, or public playground, as specified.

Because the bill would impose new duties on local officials, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 14681.5 of the Government Code is  
2 amended to read:

3 14681.5. (a) Whenever the Director of Corrections, the  
4 Director of the Youth Authority, or the Director of General  
5 Services acting on behalf of either director, decides either to go  
6 out to bid to construct a state building, expand an existing  
7 building, expand the use of an existing building, or enter into a  
8 lease of an existing building, he or she shall notify in writing, at  
9 least 60 days prior to going out to bid or entering into a lease, all  
10 of the following officials of his or her intent to construct, expand,  
11 or lease the building, along with a description of the location of  
12 the building:

13 (1) Each Member of the Legislature whose district  
14 encompasses the location of the building to be constructed,  
15 expanded, or leased or whose district encompasses the location  
16 of the building to be relocated when the relocation is to another  
17 member's district.

18 (2) The clerk of the county board of supervisors in the county  
19 in which the building is to be constructed, expanded, or leased.

20 (3) If the building is to be constructed, expanded, or leased  
21 within a city, the city clerk and the mayor of the city.

22 (b) In those instances where either the Director of Corrections  
23 or the Director of the Youth Authority is exempt from the  
24 bidding process, that director, or the Director of General Services  
25 if he or she is acting on behalf of either director, shall notify the  
26 clerk of the legislative body of the affected agency described in  
27 subdivision (a), in writing, at least 60 days prior to the  
28 construction, expansion, or lease of a building.

1 (c) (1) *If the building subject to this section is a parole office,*  
2 *the notice required in subdivision (a) shall be accompanied by a*  
3 *form to be returned by each of the persons to whom the notice is*  
4 *sent, on which form the recipient shall indicate his or her*  
5 *approval or objection to the proposed building. If the person*  
6 *indicates an objection to the building, he or she shall include a*  
7 *statement of reasons for the objection. The form shall be returned*  
8 *to the appropriate director within 45 days of the receipt of the*  
9 *notice and form.*

10 (2) *No lease may be entered into for a parole office, nor may*  
11 *any construction commence on a parole office before the*  
12 *contracting department receives the form specified in paragraph*  
13 *(1) from each party to whom the notice was sent. If an objection*  
14 *is made by any party, the department shall conduct a properly*  
15 *noticed public hearing in the jurisdiction of the proposed parole*  
16 *office to publicly consider the proposal and the objection.*

17 (d) *No parole office may be located within 1,000 feet of a*  
18 *private or public school that has any or all of kindergarten and*  
19 *grades 1 to 12, inclusive, daycare center, as defined in Section*  
20 *1596.76 of the Health and Safety Code, or public park that has*  
21 *playground equipment designed for young children.*

22 SEC. 2. If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.