

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 6, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1551**

**Introduced by Assembly Member Sharon Runner**

February 22, 2005

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An act to amend Sections 209, ~~220, 667.51, 667.61, 667.71, 3000, and 3001~~ and 667.71 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1551, as amended, Sharon Runner. Sexual predators.

Under existing law, the punishment for kidnapping with the intent to commit any of several specified sexual acts is imprisonment in the state prison for life with the possibility of parole.

This bill would add rape committed in concert and committing lewd and lascivious acts to the above specified sexual acts.

~~Under existing law, the punishment for assault with intent to commit any of several specified sexual acts is imprisonment in the state prison for 2, 4, or 6 years.~~

~~This bill would provide that the punishment for assaulting another person with the intent to commit any of several specified sexual acts while in the commission of a first degree burglary, is imprisonment in the state prison for life with the possibility of parole.~~

~~Existing law provides for an enhanced prison term of 5 years for a person convicted of committing lewd and lascivious acts who had a prior conviction for any of several specified sexual offenses. The enhanced term does not apply if that person has not been in custody for, or committed a felony during, at least 10 years between the instant and prior offense.~~

~~This bill would delete the 10-year exception.~~

Under existing law, persons who are convicted of committing certain sexual offenses who have previously been convicted of other sex offenses, including habitual sexual offenders, as defined, or who are convicted of certain sex offenses while in the commission of another offense, are eligible for credit to reduce the minimum term imposed.

This bill would eliminate that eligibility for those persons.

Under existing law, the punishment for a conviction of certain sex offenses is 25 years to life if the offense was committed in the course of a kidnapping or burglary, the victim was tortured, or the defendant had previously been convicted of one of those sex crimes.

This bill would add continuous sexual abuse of a child to those sex offenses.

Under existing law, a court has the authority to order an action dismissed or to strike a prior conviction for purposes of sentencing a defendant.

This bill would prohibit a court from striking an allegation, admission, or finding of a prior conviction for, and would prohibit granting probation to, defendants who are convicted of certain sex offenses.

~~Under existing law, the period of parole for a person convicted of certain sex offenses is 5 years, which period may be extended for an additional 5 years, after a hearing by the Board of Prison Terms.~~

~~This bill would increase that period of parole to 10 years, and would eliminate the possibility of extension.~~

Because the bill would increase the scope of several crimes, 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 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 209 of the Penal Code is amended to  
2 read:

3 ~~209. (a) Any person who seizes, confines, inveigles, entices,~~  
4 ~~decoys, abducts, conceals, kidnaps or carries away another~~  
5 ~~person by any means whatsoever with intent to hold or detain, or~~  
6 ~~who holds or detains, that person for ransom, reward or to~~  
7 ~~commit extortion or to exact from another person any money or~~  
8 ~~valuable thing, or any person who aids or abets any of those acts,~~  
9 ~~is guilty of a felony. A person who is convicted of violating this~~  
10 ~~section shall be punished by imprisonment in the state prison for~~  
11 ~~life without the possibility of parole if the victim suffers death or~~  
12 ~~bodily harm, or is intentionally confined in a manner which~~  
13 ~~exposes that person to a substantial likelihood of death, or shall~~  
14 ~~be punished by imprisonment in the state prison for life with the~~  
15 ~~possibility of parole if the victim does not suffer death or bodily~~  
16 ~~harm.~~ (a) *Any person who seizes, confines, inveigles, entices,*  
17 *decoys, abducts, conceals, kidnaps or carries away another*  
18 *person by any means whatsoever with intent to hold or detain, or*  
19 *who holds or detains, that person for ransom, reward or to*  
20 *commit extortion or to exact from another person any money or*  
21 *valuable thing, or any person who aids or abets any such act, is*  
22 *guilty of a felony, and upon conviction thereof, shall be punished*  
23 *by imprisonment in the state prison for life without possibility of*  
24 *parole in cases in which any person subjected to any such act*  
25 *suffers death or bodily harm, or is intentionally confined in a*  
26 *manner which exposes that person to a substantial likelihood of*  
27 *death, or shall be punished by imprisonment in the state prison*  
28 *for life with the possibility of parole in cases where no such*  
29 *person suffers death or bodily harm.*

30 (b) (1) Any person who kidnaps or carries away any  
31 individual to commit robbery, rape, spousal rape, oral copulation,  
32 sodomy, or any violation of Section 264.1, 288, or 289, shall be  
33 punished by imprisonment in the state prison for life with the  
34 possibility of parole.

35 (2) This subdivision shall only apply if the movement of the  
36 victim is beyond that merely incidental to the commission of, and  
37 increases the risk of harm to the victim over and above that  
38 necessarily present in, the intended underlying offense.

1 (c) In all cases in which probation is granted, the court shall,  
2 except in unusual cases where the interests of justice would best  
3 be served by a lesser penalty, require as a condition of the  
4 probation that the person be confined in the county jail for 12  
5 months. If the court grants probation without requiring the  
6 defendant to be confined in the county jail for 12 months, it shall  
7 specify its reason or reasons for imposing a lesser penalty.

8 (d) Subdivision (b) shall not be construed to supersede or  
9 affect Section 667.61. A person may be charged with a violation  
10 of subdivision (b) and Section 667.61. However, a person may  
11 not be punished under subdivision (b) and Section 667.61 for the  
12 same act that constitutes a violation of both subdivision (b) and  
13 Section 667.61.

14 ~~SEC. 2.— Section 220 of the Penal Code is amended to read:~~

15 ~~220. (a) Except as provided in subdivision (b), every person~~  
16 ~~who assaults another with intent to commit mayhem, rape,~~  
17 ~~sodomy, oral copulation, or any violation of Section 264.1, 288,~~  
18 ~~or 289 shall be punished by imprisonment in the state prison for~~  
19 ~~two, four, or six years.~~

20 ~~(b) Any person who, in the commission of a burglary of the~~  
21 ~~first degree, assaults another person with intent to commit rape,~~  
22 ~~sodomy, oral copulation, or any violation of Section 264.1, 288,~~  
23 ~~or 289, shall be punished by imprisonment in the state prison for~~  
24 ~~life with the possibility of parole.~~

25 ~~SEC. 3.— Section 667.51 of the Penal Code is amended to read:~~

26 ~~667.51. (a) Any person who is convicted of violating Section~~  
27 ~~288 shall receive a five-year enhancement for a prior conviction~~  
28 ~~of an offense specified in subdivision (b).~~

29 ~~(b) Section 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5,~~  
30 ~~or 289, or any offense committed in another jurisdiction that~~  
31 ~~includes all of the elements of any of the offenses specified in~~  
32 ~~this subdivision.~~

33 ~~(c) A violation of Section 288 by a person who has been~~  
34 ~~previously convicted two or more times of an offense specified in~~  
35 ~~subdivision (b) shall be punished by imprisonment in the state~~  
36 ~~prison for 15 years to life.~~

37 ~~SEC. 4.~~

38 ~~SEC. 2. Section 667.61 of the Penal Code is amended to read:~~

39 ~~667.61. (a) Any person who is convicted of an offense~~  
40 ~~specified in subdivision (c) under one or more of the~~

1 ~~circumstances specified in subdivision (d) or under two or more~~  
2 ~~of the circumstances specified in subdivision (e) shall be~~  
3 ~~punished by imprisonment in the state prison for 25 years to life.~~

4 ~~(b) Except as provided in subdivision (a), any person who is~~  
5 ~~convicted of an offense specified in subdivision (e) under one of~~  
6 ~~the circumstances specified in subdivision (e) shall be punished~~  
7 ~~by imprisonment in the state prison for 15 years to life. (a) A~~  
8 ~~person who is convicted of an offense specified in subdivision (c)~~  
9 ~~under one or more of the circumstances specified in subdivision~~  
10 ~~(d) or under two or more of the circumstances specified in~~  
11 ~~subdivision (e) shall be punished by imprisonment in the state~~  
12 ~~prison for life and shall not be eligible for release on parole for~~  
13 ~~25 years except as provided in subdivision (j).~~

14 (c) This section shall apply to any of the following offenses:

15 (1) Rape, in violation of paragraph (2) ~~or (6)~~ of subdivision (a)  
16 of Section 261.

17 (2) Spousal rape, in violation of paragraph (1) ~~or (4)~~ of  
18 subdivision (a) of Section 262.

19 (3) Rape, ~~spousal rape, or sexual penetration~~, in concert, in  
20 violation of Section 264.1.

21 (4) Lewd or lascivious acts, in violation of subdivision (b) of  
22 Section 288.

23 (5) Sexual penetration, in violation of subdivision (a) of  
24 Section 289.

25 (6) Sodomy, in violation of paragraph (2) ~~or (3)~~ of subdivision  
26 (c), ~~or subdivision (d)~~, of Section 286.

27 (7) Oral copulation, in violation of paragraph (2) ~~or (3)~~ of  
28 subdivision (c), ~~or subdivision (d)~~, of Section 288a.

29 (8) Lewd or lascivious acts, in violation of subdivision (a) of  
30 Section 288, *unless the defendant qualifies for probation under*  
31 *subdivision (c) of Section 1203.066.*

32 (9) Continuous sexual abuse of a child, in violation of Section  
33 288.5.

34 (d) The following circumstances shall apply to the offenses  
35 specified in subdivision (c):

36 (1) The defendant has been previously convicted of an offense  
37 specified in subdivision (c), including an offense committed in  
38 another jurisdiction that includes all of the elements of an offense  
39 specified in subdivision (c).

1 (2) The defendant kidnapped the victim of the present offense  
2 and the movement of the victim substantially increased the risk  
3 of harm to the victim over and above that level of risk necessarily  
4 inherent in the underlying offense in subdivision (c).

5 (3) The defendant inflicted aggravated mayhem or torture on  
6 the victim or another person in the commission of the present  
7 offense in violation of Section 205 or 206.

8 (4) The defendant committed the present offense during the  
9 commission of a burglary of the first degree, as defined in  
10 subdivision (a) of Section 460, with intent to commit an offense  
11 specified in subdivision (c).

12 ~~(5) The defendant committed the present offense in violation~~  
13 ~~of Section 264.1, subdivision (d) of Section 286, or subdivision~~  
14 ~~(d) of Section 288a, and in the commission of that offense, any~~  
15 ~~person committed any act described in paragraph (2), (3), or (4).~~

16 (e) The following circumstances shall apply to the offenses  
17 specified in subdivision (c):

18 (1) Except as provided in paragraph (2) of subdivision (d), the  
19 defendant kidnapped the victim of the present offense in  
20 violation of Section 207, 209, or 209.5.

21 ~~(2) Except as provided in paragraph (4) of subdivision (d), the~~  
22 ~~defendant committed the present offense during the commission~~  
23 ~~of a burglary, in violation of Section 459.~~

24 *(2) Except as provided in paragraph (4) of subdivision (d), the*  
25 *defendant committed the present offense during the commission*  
26 *of a burglary, as defined in subdivision (a) of Section 460, or*  
27 *during the commission of a burglary of a building, including any*  
28 *commercial establishment, which was then closed to the public,*  
29 *in violation of Section 459.*

30 (3) The defendant personally inflicted great bodily injury on  
31 the victim or another person in the commission of the present  
32 offense in violation of Section 12022.53, 12022.7, or 12022.8.

33 (4) The defendant personally used a dangerous or deadly  
34 weapon or firearm in the commission of the present offense in  
35 violation of Section 12022, 12022.3, 12022.5, or 12022.53.

36 (5) The defendant has been convicted in the present case or  
37 cases of committing an offense specified in subdivision (c)  
38 against more than one victim.

1 (6) The defendant engaged in the tying or binding of the  
2 victim or another person in the commission of the present  
3 offense.

4 (7) The defendant administered a controlled substance to the  
5 victim by force, violence, or fear in the commission of the  
6 present offense in violation of Section 12022.75.

7 ~~(8) The defendant committed the present offense in violation  
8 of Section 264.1, subdivision (d) of Section 286, or subdivision  
9 (d) of Section 288a, and in the commission of that offense, any  
10 person committed any act described in paragraph (1), (2), (3),  
11 (4), (6), or (7).~~

12 ~~(f) If only the minimum number of circumstances specified in  
13 subdivision (d) or (e) that are required for the punishment  
14 provided in subdivision (a) or (b) to apply have been pled and  
15 proved, that circumstance or those circumstances shall be used as  
16 the basis for imposing the term provided in subdivision (a) or (b),  
17 whichever is greater, rather than being used to impose the  
18 punishment authorized under any other provision of law, unless  
19 another provision of law provides for a greater penalty or the  
20 punishment under another provision of law can be imposed in  
21 addition to the punishment provided by this section. However, if  
22 any additional circumstance or circumstances specified in  
23 subdivision (d) or (e) have been pled and proved, the minimum  
24 number of circumstances shall be used as the basis for imposing  
25 the term provided in subdivision (a), and any other additional  
26 circumstance or circumstances shall be used to impose any  
27 punishment or enhancement authorized under any other provision  
28 of law. Notwithstanding Section 1385 or any other provision of  
29 law, the court shall not strike any allegation, admission, or  
30 finding of any of the circumstances specified in subdivision (d)  
31 or (e) for any person who is subject to punishment under this  
32 section.~~

33 ~~(g)~~

34 ~~(f) If only the minimum number of circumstances specified in  
35 subdivision (d) or (e) which are required for the punishment  
36 provided in subdivision (a) or (b) to apply have been pled and  
37 proved, that circumstance or those circumstances shall be used  
38 as the basis for imposing the term provided in subdivision (a) or  
39 (b) rather than being used to impose the punishment authorized  
40 under any other law, unless another law provides for a greater~~

1 *penalty. However, if any additional circumstance or*  
2 *circumstances specified in subdivision (d) or (e) have been pled*  
3 *and proved, the minimum number of circumstances shall be used*  
4 *as the basis for imposing the term provided in subdivision (a),*  
5 *and any other additional circumstance or circumstances shall be*  
6 *used to impose any punishment or enhancement authorized under*  
7 *any other law. Notwithstanding any other law, the court shall not*  
8 *strike any of the circumstances specified in subdivision (d) or (e).*

9 *(g) The term specified in subdivision (a) or (b) shall be*  
10 *imposed on the defendant once for any offense or offenses*  
11 *committed against a single victim during a single occasion. If*  
12 *there are multiple victims during a single occasion, the term*  
13 *specified in subdivision (a) or (b) shall be imposed on the*  
14 *defendant once for each separate victim. Terms for other offenses*  
15 *committed during a single occasion shall be imposed as*  
16 *authorized under any other law, including Section 667.6, if*  
17 *applicable.*

18 *(h) Notwithstanding any other provision of law, probation*  
19 *shall not be granted to, nor shall the execution or imposition of*  
20 *sentence be suspended for, any person who is subject to*  
21 *punishment under this section.*

22 ~~*(h) For any offense specified in paragraphs (1) to (7),*~~  
23 ~~*inclusive, of subdivision (e), the court shall impose a consecutive*~~  
24 ~~*sentence for each offense that results in a conviction under this*~~  
25 ~~*section if the crimes involve separate victims or involve the same*~~  
26 ~~*victim on separate occasions, as defined in subdivision (d) of*~~  
27 ~~*Section 667.6.*~~

28 ~~*(i) The penalties provided in this section shall apply only if the*~~  
29 ~~*existence of any circumstance specified in subdivision (d) or (e)*~~  
30 ~~*is alleged in the accusatory pleading pursuant to this section, and*~~  
31 ~~*is either admitted by the defendant in open court or found to be*~~  
32 ~~*true by the trier of fact.*~~

33 ~~*(i) For the penalties provided in this section to apply, the*~~  
34 ~~*existence of any fact required under subdivision (d) or (e) shall*~~  
35 ~~*be alleged in the accusatory pleading and either admitted by the*~~  
36 ~~*defendant in open court or found to be true by the trier of fact.*~~

37 ~~*(j) Article 2.5 (commencing with Section 2930) of Chapter 7 of*~~  
38 ~~*Title 1 of Part 3 shall apply to reduce the minimum term of 25*~~  
39 ~~*years in the state prison imposed pursuant to subdivision (a) or*~~  
40 ~~*15 years in the state prison imposed pursuant to subdivision (b).*~~

1 *However, in no case shall the minimum term of 25 or 15 years be*  
2 *reduced by more than 15 percent for credits granted pursuant to*  
3 *Section 2933, 4019, or any other law providing for conduct*  
4 *credit reduction. In no case shall any person who is punished*  
5 *under this section be released on parole prior to serving at least*  
6 *85 percent of the minimum term of 25 or 15 years in the state*  
7 *prison.*

8 ~~SEC. 5.~~

9 *SEC. 3.* Section 667.71 of the Penal Code is amended to read:

10 667.71. (a) For the purpose of this section, a habitual sexual  
11 offender is a person who has been previously convicted of one or  
12 more of the offenses specified in subdivision (c) and who is  
13 convicted in the present proceeding of one of those offenses.

14 ~~(b) A habitual sexual offender shall be punished by~~  
15 ~~imprisonment in the state prison for 25 years to life.~~

16 *(b) A habitual sexual offender is punishable by imprisonment*  
17 *in the state prison for 25 years to life. Article 2.5 (commencing*  
18 *with Section 2930) of Chapter 7 of Title 1 of Part 3 shall apply to*  
19 *reduce any minimum term of 25 years in the state prison imposed*  
20 *pursuant to this section. However, in no case shall the minimum*  
21 *term of 25 years be reduced by more than 15 percent for credits*  
22 *granted pursuant to Section 2933, 4019, or any other law*  
23 *providing for conduct credit reduction. In no case shall any*  
24 *person who is punished under this section be released on parole*  
25 *prior to serving at least 85 percent of the minimum term of 25*  
26 *years in the state prison.*

27 (c) This section shall apply to any of the following offenses:

28 (1) Rape, in violation of paragraph (2) ~~or (6)~~ of subdivision (a)  
29 of Section 261.

30 (2) Spousal rape, in violation of paragraph (1) ~~or (4)~~ of  
31 subdivision (a) of Section 262.

32 ~~(3) Rape, spousal Spousal rape, or sexual penetration, in~~  
33 ~~concert,~~ in violation of Section 264.1.

34 (4) Lewd or lascivious acts, in violation of subdivision (a) or  
35 (b) of Section 288.

36 (5) Sexual penetration, in violation of subdivision (a) ~~or (j)~~ of  
37 Section 289.

38 (6) Continuous sexual abuse ~~of a child,~~ in violation of Section  
39 288.5.

- 1 (7) Sodomy, in violation of subdivision (c) ~~or (d)~~ of Section
- 2 286, *when the act is accomplished as a result of force, violence,*
- 3 *duress, menace, or fear of immediate bodily injury on the victim*
- 4 *or another person.*
- 5 (8) Sodomy, in violation of subdivision (d) of Section 286..
- 6 ~~(8)~~
- 7 (9) Oral copulation, in violation of subdivision (c) or (d) of
- 8 Section 288a, *when the act is accomplished as a result of force,*
- 9 *violence, duress, menace, or fear of immediate bodily injury on*
- 10 *the victim or another person.*
- 11 ~~(9)~~
- 12 (10) Kidnapping, in violation of subdivision (b) of Section ~~207~~
- 13 ~~or 207.~~
- 14 (11) Kidnapping, in violation of former subdivision (d) of
- 15 Section 208 (kidnapping to commit specified sex offenses).
- 16 ~~(10)~~
- 17 (12) Kidnapping, in violation of subdivision (b) of Section 209
- 18 with the intent to commit a ~~specific sexual offense~~ *rape, spousal*
- 19 *rape, oral copulation, sodomy, or sexual penetration in violation*
- 20 *of Section 289.*
- 21 ~~(11)~~
- 22 (13) Aggravated sexual assault of a child, in violation of
- 23 Section 269.
- 24 ~~(12)~~
- 25 (14) An offense committed in another jurisdiction that
- 26 includes all of the elements of an offense specified in *paragraphs*
- 27 *(1) to (14), inclusive, of this subdivision.*
- 28 ~~(d) Notwithstanding Section 1385 or any other provision of~~
- 29 ~~law, the court shall not strike any allegation, admission, or~~
- 30 ~~finding of any prior conviction specified in subdivision (c) for~~
- 31 ~~any person who is subject to punishment under this section.~~
- 32 ~~(e) Notwithstanding any other provision of law, probation~~
- 33 ~~shall not be granted to, nor shall the execution or imposition of~~
- 34 ~~sentence be suspended for, any person who is subject to~~
- 35 ~~punishment under this section.~~
- 36 ~~(f)~~
- 37 (d) This section shall apply only if the defendant’s status as a
- 38 habitual sexual offender is alleged in the accusatory pleading,
- 39 and either admitted by the defendant in open court, or found to be
- 40 true by the trier of fact.

1 SEC. 6. Section 3000 of the Penal Code is amended to read:

2 3000. (a) (1) The Legislature finds and declares that the  
3 period immediately following incarceration is critical to  
4 successful reintegration of the offender into society and to  
5 positive citizenship. It is in the interest of public safety for the  
6 state to provide for the supervision of and surveillance of  
7 parolees, including the judicious use of revocation actions, and to  
8 provide educational, vocational, family and personal counseling  
9 necessary to assist parolees in the transition between  
10 imprisonment and discharge. A sentence pursuant to Section  
11 1168 or 1170 shall include a period of parole, unless waived, as  
12 provided in this section.

13 (2) The Legislature finds and declares that it is not the intent  
14 of this section to diminish resources allocated to the Department  
15 of Corrections for parole functions for which the department is  
16 responsible. It is also not the intent of this section to diminish the  
17 resources allocated to the Board of Prison Terms to execute its  
18 duties with respect to parole functions for which the board is  
19 responsible.

20 (3) The Legislature finds and declares that diligent effort must  
21 be made to ensure that parolees are held accountable for their  
22 criminal behavior, including, but not limited to, the satisfaction  
23 of restitution fines and orders.

24 (4) Any finding made pursuant to Article 4 (commencing  
25 with Section 6600) of Chapter 2 of Part 2 of Division 6 of the  
26 Welfare and Institutions Code, that a person is a sexually violent  
27 predator shall not toll, discharge, or otherwise affect that person's  
28 period of parole.

29 (b) Notwithstanding any provision to the contrary in Article 3  
30 (commencing with Section 3040) of this chapter, the following  
31 shall apply:

32 (1) At the expiration of a term of imprisonment of one year  
33 and one day, or a term of imprisonment imposed pursuant to  
34 Section 1170 or at the expiration of a term reduced pursuant to  
35 Section 2931 or 2933, if applicable, the inmate shall be released  
36 on parole for a period not exceeding three years, except that any  
37 inmate sentenced for an offense specified in paragraph (3), (4),  
38 (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5  
39 shall be released on parole for a period not exceeding five years,  
40 unless in either case the parole authority for good cause waives

1 ~~parole and discharges the inmate from the custody of the~~  
2 ~~department.~~

3 ~~(2) In the case of any inmate sentenced under Section 1168,~~  
4 ~~the period of parole shall not exceed five years in the case of an~~  
5 ~~inmate imprisoned for any offense other than first or second~~  
6 ~~degree murder for which the inmate has received a life sentence,~~  
7 ~~and shall not exceed three years in the case of any other inmate,~~  
8 ~~unless in either case the parole authority for good cause waives~~  
9 ~~parole and discharges the inmate from custody of the department.~~  
10 ~~This subdivision shall also be applicable to inmates who~~  
11 ~~committed crimes prior to July 1, 1977, to the extent specified in~~  
12 ~~Section 1170.2.~~

13 ~~(3) Notwithstanding paragraphs (1) and (2), in the case of any~~  
14 ~~offense for which the inmate has received a life sentence~~  
15 ~~pursuant to Section 667.61 or 667.71, the period of parole shall~~  
16 ~~be 10 years.~~

17 ~~(4) The parole authority shall consider the request of any~~  
18 ~~inmate regarding the length of his or her parole and the~~  
19 ~~conditions thereof.~~

20 ~~(5) Upon successful completion of parole, or at the end of the~~  
21 ~~maximum statutory period of parole specified for the inmate~~  
22 ~~under paragraph (1), (2), or (3), as the case may be, whichever is~~  
23 ~~earlier, the inmate shall be discharged from custody. The date of~~  
24 ~~the maximum statutory period of parole under this subdivision~~  
25 ~~and paragraphs (1), (2), and (3) shall be computed from the date~~  
26 ~~of initial parole and shall be a period chronologically determined.~~  
27 ~~Time during which parole is suspended because the prisoner has~~  
28 ~~absconded or has been returned to custody as a parole violator~~  
29 ~~shall not be credited toward any period of parole unless the~~  
30 ~~prisoner is found not guilty of the parole violation. However, the~~  
31 ~~period of parole is subject to the following:~~

32 ~~(A) In no case, except as provided in Section 3064, may a~~  
33 ~~prisoner subject to three years on parole be retained under parole~~  
34 ~~supervision or in custody for a period longer than four years from~~  
35 ~~the date of his or her initial parole.~~

36 ~~(B) In no case, except as provided in Section 3064, may a~~  
37 ~~prisoner subject to five years on parole be retained under parole~~  
38 ~~supervision or in custody for a period longer than seven years~~  
39 ~~from the date of his or her initial parole.~~

1 ~~(C) In no case, except as provided in Section 3064, may a~~  
2 ~~prisoner be subject to 10 years on parole be retained under parole~~  
3 ~~supervision or in custody for a period longer than 15 years from~~  
4 ~~the date of his or her initial parole.~~

5 ~~(6) The Department of Corrections shall meet with each~~  
6 ~~inmate at least 30 days prior to his or her goodtime release date~~  
7 ~~and shall provide, under guidelines specified by the parole~~  
8 ~~authority, the conditions of parole and the length of parole up to~~  
9 ~~the maximum period of time provided by law. The inmate has the~~  
10 ~~right to reconsideration of the length of parole and conditions~~  
11 ~~thereof by the parole authority. The Department of Corrections or~~  
12 ~~the Board of Prison Terms may impose as a condition of parole~~  
13 ~~that a prisoner make payments on the prisoner's outstanding~~  
14 ~~restitution fines or orders imposed pursuant to subdivision (a) or~~  
15 ~~(e) of Section 13967 of the Government Code, as operative prior~~  
16 ~~to September 28, 1994, or subdivision (b) or (f) of Section~~  
17 ~~1202.4.~~

18 ~~(7) For purposes of this chapter, the Board of Prison Terms~~  
19 ~~shall be considered the parole authority.~~

20 ~~(8) The sole authority to issue warrants for the return to actual~~  
21 ~~custody of any state prisoner released on parole rests with the~~  
22 ~~Board of Prison Terms, except for any escaped state prisoner or~~  
23 ~~any state prisoner released prior to his or her scheduled release~~  
24 ~~date who should be returned to custody, and Section 3060 shall~~  
25 ~~apply.~~

26 ~~(9) It is the intent of the Legislature that efforts be made with~~  
27 ~~respect to persons who are subject to subparagraph (C) of~~  
28 ~~paragraph (1) of subdivision (a) of Section 290 who are on parole~~  
29 ~~to engage them in treatment.~~

30 ~~SEC. 7. Section 3001 of the Penal Code is amended to read:~~

31 ~~3001. (a) (1) Notwithstanding any other provision of law,~~  
32 ~~when any person referred to in paragraph (1) of subdivision (b)~~  
33 ~~of Section 3000 who was not imprisoned for committing a~~  
34 ~~violent felony, as defined in subdivision (c) of Section 667.5, has~~  
35 ~~been released on parole from the state prison, and has been on~~  
36 ~~parole continuously for one year since release from confinement,~~  
37 ~~within 30 days, that person shall be discharged from parole,~~  
38 ~~unless the Department of Corrections recommends to the Board~~  
39 ~~of Prison Terms that the person be retained on parole and the~~

1 board, for good cause, determines that the person will be  
2 retained.

3 (2) Notwithstanding any other provision of law, when any  
4 person referred to in paragraph (1) of subdivision (b) of Section  
5 3000 who was imprisoned for committing a violent felony, as  
6 defined in subdivision (c) of Section 667.5, has been released on  
7 parole from the state prison for a period not exceeding three  
8 years and has been on parole continuously for two years since  
9 release from confinement, or has been released on parole from  
10 the state prison for a period not exceeding five years and has  
11 been on parole continuously for three years since release from  
12 confinement, the department shall discharge, within 30 days, that  
13 person from parole, unless the department recommends to the  
14 board that the person be retained on parole and the board, for  
15 good cause, determines that the person will be retained.

16 (3) The board shall make a written record of its determination  
17 and the department shall transmit a copy thereof to the parolee.

18 (b) Notwithstanding any other provision of law, when any  
19 person referred to in paragraph (2) of subdivision (b) of Section  
20 3000 has been released on parole from the state prison, and has  
21 been on parole continuously for three years since release from  
22 confinement, the board shall discharge, within 30 days, the  
23 person from parole, unless the board, for good cause, determines  
24 that the person will be retained on parole. The board shall make a  
25 written record of its determination and the department shall  
26 transmit a copy thereof to the parolee.

27 (c) Notwithstanding any other provision of law, when any  
28 person referred to in paragraph (3) of subdivision (b) of Section  
29 3000 has been released on parole from the state prison, and has  
30 been on parole continuously for six years since release from  
31 confinement, the board shall discharge the person from parole  
32 within 30 days, unless the board, for good cause, determines that  
33 the person will be retained on parole. The board shall make a  
34 written record of its determination and the department shall  
35 transmit a copy thereof to the parolee.

36 (d) In the event of a retention on parole, the parolee shall be  
37 entitled to a review by the parole authority each year thereafter  
38 until the maximum statutory period of parole has expired.

39 (e) The amendments to this section made during the 1987-88  
40 Regular Session of the Legislature shall only be applied

1 ~~prospectively and shall not extend the parole period for any~~  
2 ~~person whose eligibility for discharge from parole was fixed as~~  
3 ~~of the effective date of those amendments.~~

4 ~~SEC. 8.~~

5 *SEC. 4.* No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the  
10 penalty for a crime or infraction, within the meaning of Section  
11 17556 of the Government Code, or changes the definition of a  
12 crime within the meaning of Section 6 of Article XIII B of the  
13 California Constitution.

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