

**Assembly Bill No. 2049**

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Passed the Assembly August 21, 2006

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*Chief Clerk of the Assembly*

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Passed the Senate August 16, 2006

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

CHAPTER \_\_\_\_\_

An act to add Section 3053.6 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL’S DIGEST

AB 2049, Spitzer. Sex offenders: parole.

Existing law generally regulates the parole of sex offenders and the terms and conditions of parole that may be placed on those offenders upon release from prison.

This bill would provide that any person who has been convicted of an offense that requires him or her to register as a sex offender would, as determined to be appropriate by the Department of Corrections and Rehabilitation, as a term of parole be prohibited from contacting or communicating with the victim, or victims or any of their immediate family members. The bill would also provide that the district attorney of the prosecuting county may be available for assisting the victim in a determination of the appropriateness of imposing that condition of parole, as specified.

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

SECTION 1. Section 3053.6 is added to the Penal Code, to read:

3053.6. (a) Where a person committed to prison for a sex crime for which registration is required pursuant to Section 290 is to be released on parole, the department, in an appropriate case, shall make an order that the parolee not contact or communicate with the victim of the crime, or any of the victim’s family members. In determining whether to make the order, the department shall consider the facts of the offense and the background of the parolee.

(b) Where a victim, or an immediate family member of a victim, requests that the parolee not contact him or her, the order shall be made. An immediate family member’s request that the parolee not contact that person shall be granted even where the direct victim allows contact.

(c) Where the victim is a minor, the order that the parolee shall not contact or communicate with the victim shall be made where requested by the victim, or the parents or guardian of the victim. In the event of a dispute between the parents or guardians of a minor victim concerning whether a no-contact and no-communication order should be made, the board shall hold a hearing to resolve the dispute. The victim, or the parents or guardians, shall not be required to attend the hearing. The victim, or the parents of the victim, may submit a written statement to the board concerning the issue of whether a no-contact or no-communication order shall be made.

(d) The district attorney of the county that prosecuted the defendant for the sex crime for which the parolee was committed to prison may be available to facilitate and assist the victim, or victim's family member, in stating to the department whether or not the order that the parolee not contact or communicate with him or her shall be made.

Approved \_\_\_\_\_, 2006

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*Governor*