

Introduced by Senator Ashburn

February 21, 2007

An act to add Section 3041.6 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 409, as introduced, Ashburn. Parole.

Existing law sets forth procedures for granting and denying parole.

This bill would provide that parole may not be denied to a prisoner for failure to participate in or complete a program, unless the Department of Corrections and Rehabilitation can document that the program was available to the prisoner since the prisoner's last parole hearing, and that the prisoner refused to attend the program.

Existing law establishes various criteria for the conduct of a parole hearing by the Board of Parole Hearings.

This bill would provide that all records for consideration for the parole hearing shall be delivered to the Board of Parole Hearings at least 60 days prior to any hearing, and that written statements denying parole contain a full and detailed explanation, specific to the prisoner, setting forth the reasons for denying parole.

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 3041.6 is added to the Penal Code, to
- 2 read:
- 3 3041.6. (a) Parole shall not be denied for failure to participate
- 4 in or complete a program unless the Department of Corrections
- 5 and Rehabilitation can document that the program was available

1 to the prisoner since the prisoner's last parole hearing, and that the
2 prisoner refused to attend the program.

3 (b) All records for consideration for the parole hearing shall be
4 delivered to the Board of Parole Hearings at least 60 days prior to
5 any hearing.

6 (c) Any written statement sent to a prisoner pursuant to
7 paragraph (2) of subdivision (b) of Section 3041.5 shall contain a
8 full and detailed explanation, specific to the prisoner, setting forth
9 the reason or reasons for refusal to set a parole date, and suggesting
10 activities in which the prisoner might participate that will benefit
11 him or her while incarcerated.