

Introduced by Senator RunnerFebruary 24, 2009

An act to add Sections 3060.3 and 5072 to the Penal Code, relating to parole, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 265, as introduced, Runner. Parole: violators.

Existing law authorizes the Department of Corrections and Rehabilitation to return a parolee to prison upon revocation of the parolee's parole, as specified.

This bill would require the department to require a parolee to serve a period of revocation on GPS-monitored house arrest in lieu of being returned to prison, if certain conditions are met, as specified. This bill would also make it a felony for a parolee to willfully depart, without authorization, from the designated residence, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

This bill would also create the Parolee Reentry Fund for the purpose of funding contracts for parolee mentoring and workforce preparation programs to be awarded by the Secretary of the Department of Corrections and Rehabilitation. The bill would appropriate \$20,000,000 from the General Fund to this fund annually for these purposes.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. This act shall be known and may be cited as the
2 Parolee Mentoring and Monitoring Act of 2009.

3 SEC. 2. The Legislature finds and declares:

4 (a) California is the only state in the nation that annually
5 commits more offenders to state prison following parole violation
6 than following a substantive felony conviction in court.

7 (b) Use of limited prison cells for short-term incarceration of
8 three to six months is a costly process that strains our correctional
9 system.

10 (c) Both the public and certain nonviolent offenders may be
11 better served with a system that includes greater use of house
12 arrests monitored by a global positioning system (GPS) and fewer
13 returns to prison.

14 (d) Savings achieved by implementing a monitored house arrest
15 option can be dedicated in part to a more comprehensive and
16 publicly accountable system of parole mentoring and training
17 programs designed to reduce recidivism.

18 (e) It is the intent of the Legislature that the state correctional
19 system focus greater emphasis and resources on the successful
20 reintegration of parolees into our communities and the Legislature
21 accordingly enacts the Parolee Mentoring and Monitoring Act of
22 2009.

23 SEC. 3. Section 3060.3 is added to the Penal Code, to read:

24 3060.3. (a) The Board of Parole Hearings, or a presiding
25 deputy commissioner, upon finding that a person has violated
26 parole, shall require that person to serve a period of revocation on
27 GPS-monitored house arrest in lieu of imprisonment in the state
28 prison if all of the following apply:

29 (1) The parolee has not violated parole for a felony offense for
30 which he or she is awaiting prosecution.

31 (2) The parolee has never been convicted of a violent felony, a
32 felony violation of Section 186.22, or a sex offense listed in Section
33 290.

34 (3) The parolee has been evaluated by the Department of
35 Corrections and Rehabilitation using COMPAS or another
36 standardized risk assessment tool and has not been found to be
37 violent or of high risk to public safety.

1 (4) The maximum period of revocation is no greater than 10
2 months.

3 (5) The parolee serves the term of revocation in an appropriate
4 residential property, as determined by the board, which is not
5 occupied by any other person on parole.

6 (6) The parolee agrees not to leave the premises except for
7 medical or natural emergencies, or as expressly permitted for
8 employment or drug treatment, and shall at all times wear a GPS
9 or other monitoring device.

10 (7) The parolee posts a cash or surety bond of not less than ten
11 thousand dollars (\$10,000), which shall be forfeited in the event
12 he or she leaves his or her residence without the express consent
13 of his or her parole agent or in response to a verifiable medical or
14 other emergency. The forfeiture of cash or the surety bond, as
15 described in this paragraph, and the relief from such forfeiture
16 shall be governed by the terms of Article 7 (commencing with
17 Section 1305) of Chapter 1 of Title 10 of Part 2.

18 (8) The parolee is prohibited from earning more than one-half
19 the credits he or she could earn were he or she returned to prison.

20 (9) The parolee abides by all additional conditions of parole.

21 (b) A parolee on house arrest pursuant to subdivision (a) may
22 be immediately returned to the custody of the Department of
23 Corrections and Rehabilitation for the remainder of his or her
24 period of revocation in the event the parolee violates any condition
25 of parole or GPS-monitored house arrest or if the monitoring device
26 ceases to function for any reason.

27 (c) The GPS monitoring system or other equipment necessary
28 to monitor parolees pursuant to subdivision (a) shall be procured
29 through a competitive request for proposals (RFP) process, which
30 shall evaluate factors including cost effectiveness and reliability
31 of available products.

32 (d) Willful unauthorized departure by the parolee from the
33 designated residence, except as required as a result of a verifiable
34 medical or other emergency, even temporarily, is flight from
35 custody, a felony punishable by imprisonment in the state prison
36 for 16 months, or two or three years.

37 (e) The parolee shall be deemed to have been returned to custody
38 for purposes of paragraph (5) of subdivision (b) of Section 3000
39 during the period he or she is on GPS-monitored house arrest.

40 SEC. 4. Section 5072 is added to the Penal Code, to read:

1 5072. (a) There is hereby established in the State Treasury the
2 Parolee Reentry Fund for the purpose of funding contracts for
3 parolee mentoring and workforce preparation programs to be
4 awarded by the Secretary of the Department of Corrections and
5 Rehabilitation. Recipients shall be required to have extensive
6 expertise in designing, managing, monitoring, and evaluating
7 mentoring, workforce, and comprehensive programs specific to
8 parolees, including demonstrated evidence of an effective prisoner
9 reentry program model. For purposes of awarding contracts,
10 contract recipients shall be required to have extensive related
11 experience working with federal, state, or local government
12 agencies.

13 (b) The purpose of these programs is to target critical funding
14 to assist and prepare offenders for return to their communities in
15 an effort to reduce recidivism rates and the high costs and threat
16 to public safety associated with the prevalent cycle of incarceration,
17 release, and return to prison. The programs are also intended to
18 provide support, opportunities, mentoring, education, and training
19 to offenders on parole. The parameters of the programs shall be
20 as follows:

21 (1) The programs shall focus on helping parolees make and
22 sustain long-term attachments to the workforce.

23 (2) The programs shall offer parolees critical support services
24 and referral for housing, addiction, and other services through a
25 case management component. The program will also offer
26 opportunities for positive social support through a mentoring
27 component.

28 (3) The secretary may authorize programs that employ daily
29 check-in facilities, Global Positioning System (GPS) devices,
30 voiceprints, or other technologies to monitor the daily activities
31 of parolee participants, especially those who are not actively
32 employed or participating in classes.

33 (c) The sum of twenty million dollars (\$20,000,000) is hereby
34 appropriated from the General Fund to the Parolee Reentry Fund
35 for the 2009–10 fiscal year and annually thereafter.

36 SEC. 5. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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