

Introduced by Senator Benoit

February 26, 2009

An act to amend Section 1203.9 of the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 431, as introduced, Benoit. Probation: transfers.

Existing law provides that whenever any person is released upon probation, the case may be transferred to any court of the same rank in any other county in which the person resides permanently, provided that the court of the receiving county shall first be given an opportunity to determine whether the person does reside in and has stated the intention to remain in that county for the duration of probation. Existing law provides that if the court finds that the person does not reside in or has not stated an intention to remain in that county for the duration of probation, it may refuse to accept the transfer.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 1203.9 of the Penal Code is amended to
2 read:
3 1203.9. (a) Whenever any person is released upon probation,
4 the case may be transferred to any court of the same rank in any
5 other county in which the person resides permanently, meaning
6 the stated intention to remain for the duration of probation;

1 provided that the court of the receiving county shall first be given
2 an opportunity to determine whether the person does reside in and
3 has stated the intention to remain in that county for the duration
4 of probation. If the court finds that the person does not reside in
5 or has not stated an intention to remain in that county for the
6 duration of probation, ~~it~~ *the court* may refuse to accept the transfer.
7 The court and the probation department shall give the matter of
8 investigating those transfers precedence over all actions or
9 proceedings therein, except actions or proceedings to which special
10 precedence is given by law, to the end that all those transfers shall
11 be completed expeditiously.

12 (b) Except as provided in subdivision (c), if the court of the
13 receiving county finds that the person does permanently reside in
14 or has permanently moved to the county, it may, in its discretion,
15 either accept the entire jurisdiction over the case, or assume
16 supervision of the probationer on a courtesy basis.

17 (c) Whenever a person is granted probation under Section
18 1210.1, the sentencing court may, in its discretion, transfer
19 jurisdiction of the entire case, upon a finding by the receiving court
20 of the person's permanent residency in the receiving county.

21 (d) The order of transfer shall contain an order committing the
22 probationer to the care and custody of the probation officer of the
23 receiving county and an order for reimbursement of reasonable
24 costs for processing the transfer to be paid to the sending county
25 in accordance with Section 1203.1b. A copy of the orders and
26 probation reports shall be transmitted to the court and probation
27 officer of the receiving county within two weeks of the finding by
28 that county that the person does permanently reside in or has
29 permanently moved to that county, and thereafter the receiving
30 court shall have entire jurisdiction over the case, with the like
31 power to again request transfer of the case whenever it seems
32 proper.