

AMENDED IN ASSEMBLY JANUARY 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 44

Introduced by Assembly Members Logue and Galgiani

December 6, 2010

An act to amend Section 3058.6 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 44, as amended, Logue. Inmates: release: notification.

Existing law requires the Department of Corrections and Rehabilitation, when releasing prisoners on parole who have been convicted of a violent felony, as defined, or certain other felonies, as specified, to notify the law enforcement agency and the district attorney having jurisdiction over the community in which the person was convicted and also the law enforcement agency and district attorney having jurisdiction over the community in which the person is scheduled to be released.

Existing law requires that this notification be made by mail at least 45 days prior to the scheduled release date, and provides deadlines for local authorities to respond with written comments regarding county placements, and for the department to reply. If notification cannot be provided within the 45 days due to an unanticipated release date change of an inmate, as specified, or because the department modifies its decision regarding the community of release due to comments received by the department from agencies in that community, existing law requires that notification be provided no less than 24 hours after a final decision is made regarding where the parolee is to be released.

Existing law requires that if there is a change of county placement after the 45-day notice is given to local law enforcement and the district attorney relating to an out-of-county placement, notice to the ultimate county of placement shall be made upon the determination of the county of placement.

This bill would require that notification be sent 60 days prior to the scheduled release date of an inmate, unless the notification cannot be provided within the 60 days due to an unanticipated change in the release date of an inmate, and would prohibit any change in county placement less than 30 days prior to the release date unless due to an unanticipated change in a release date, as specified. The bill would conform the timeline for local comments and the department response to the longer notification period, as specified. If there is a change in county of placement after the 60-day notice is given, this bill would require that notification be sent by mail at least 30 days prior to the scheduled release date to the ultimate county of placement.

Existing law prohibits the department from restoring credits or taking administrative action resulting in an inmate being placed in a greater credit earning category that would result in notification being provided less than 45 days prior to the inmate's scheduled release date.

This bill would conform this provision to its 60-day notification requirement.

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 3058.6 of the Penal Code is amended to
2 read:
3 3058.6. (a) Whenever any person confined to state prison is
4 serving a term for the conviction of a violent felony listed in
5 subdivision (c) of Section 667.5, the Board of Parole Hearings,
6 with respect to inmates sentenced pursuant to subdivision (b) of
7 Section 1168 or the Department of Corrections and Rehabilitation,
8 with respect to inmates sentenced pursuant to Section 1170, shall
9 notify the sheriff or chief of police, or both, and the district
10 attorney, who has jurisdiction over the community in which the
11 person was convicted and, in addition, the sheriff or chief of police,
12 or both, and the district attorney, having jurisdiction over the
13 community in which the person is scheduled to be released on

1 parole or rereleased following a period of confinement pursuant
2 to a parole revocation without a new commitment.

3 (b) (1) The notification shall be made by mail at least 60 days
4 prior to the scheduled release date, except as provided in paragraph
5 (3). In all cases, the notification shall include the name of the
6 person who is scheduled to be released, whether or not the person
7 is required to register with local law enforcement, and the
8 community in which the person will reside. The notification shall
9 specify the office within the Department of Corrections and
10 Rehabilitation with the authority to make final determination and
11 adjustments regarding parole location decisions. If, after the 60-day
12 notice is given to law enforcement and to the district attorney
13 relating to a county placement, there is a change of county
14 placement, notification shall be made by mail at least 30 days prior
15 to the scheduled release date to the ultimate county of placement.
16 Except as provided in paragraph (3), no changes of county
17 placement shall be made less than 30 days prior to the scheduled
18 release date.

19 (2) Notwithstanding any other provision of law, the Department
20 of Corrections and Rehabilitation shall not restore credits nor take
21 any administrative action resulting in an inmate being placed in a
22 greater credit earning category that would result in notification
23 being provided less than 60 days prior to an inmate's scheduled
24 release date.

25 (3) When notification cannot be provided at least 60 days prior
26 to release due to the unanticipated release date change of an inmate
27 as a result of an order from the court, an action by the Board of
28 Parole Hearings, the granting of an administrative appeal, or a
29 finding of not guilty or dismissal of a disciplinary action, that
30 affects the sentence of the inmate, the department shall provide
31 notification as soon as practicable, but in no case *shall the*
32 *department delay making the notification* more than 24 hours ~~after~~
33 *from the time* the final decision is made regarding where the parolee
34 will be released.

35 (4) Those agencies receiving the notice referred to in this
36 subdivision may provide written comment to the board or
37 department regarding the impending release. Agencies that choose
38 to provide written comments shall respond within 45 days prior
39 to the inmate's scheduled release, unless an agency received less
40 than 60 days' notice of the impending release, in which case the

1 agency shall respond as soon as practicable prior to the scheduled
2 release. Those comments shall be considered by the board or
3 department which may, based on those comments, modify its
4 decision regarding the community in which the person is scheduled
5 to be released. The Department of Corrections and Rehabilitation
6 shall respond in writing not less than 30 days prior to the scheduled
7 release with a final determination as to whether to adjust the parole
8 location and documenting the basis for its decision, unless the
9 department received comments less than 45 days prior to the
10 impending release, in which case the department shall respond as
11 soon as practicable and prior to the scheduled release. The
12 comments shall become a part of the inmate's file.

13 (c) If the court orders the immediate release of an inmate, the
14 department shall notify the sheriff or chief of police, or both, and
15 the district attorney, having jurisdiction over the community in
16 which the person was convicted and, in addition, the sheriff or
17 chief of police, or both, and the district attorney, having jurisdiction
18 over the community in which the person is scheduled to be released
19 on parole at the time of release.

20 (d) The notification required by this section shall be made
21 whether or not a request has been made under Section 3058.5.

22 In no case shall notice required by this section to the appropriate
23 agency be later than the day of release on parole.