

AMENDED IN SENATE JULY 12, 2011

AMENDED IN ASSEMBLY MARCH 24, 2011

AMENDED IN ASSEMBLY JANUARY 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 44

Introduced by Assembly Members Logue and Galgiani
(Principal coauthor: Assembly Member Beth Gaines)

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. The bill would conform the timeline for local comments to the longer notification period, as specified.

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
14 parole or rereleased following a period of confinement pursuant
15 to a parole revocation without a new commitment.

16 (b) (1) The notification shall be made by mail at least 60 days
17 prior to the scheduled release date, except as provided in paragraph

18 (3). In all cases, the notification shall include the name of the

1 person who is scheduled to be released, whether or not the person
2 is required to register with local law enforcement, and the
3 community in which the person will reside. The notification shall
4 specify the office within the Department of Corrections and
5 Rehabilitation with the authority to make final determination and
6 adjustments regarding parole location decisions.

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

13 (3) When notification cannot be provided at least 60 days prior
14 to release due to the unanticipated release date change of an inmate
15 as a result of an order from the court, an action by the Board of
16 Parole Hearings, the granting of an administrative appeal, or a
17 finding of not guilty or dismissal of a disciplinary action, that
18 affects the sentence of the inmate, or due to a modification of the
19 department's decision regarding the community into which the
20 person is scheduled to be released pursuant to paragraph (4), the
21 department shall provide notification as soon as practicable, but
22 in no case shall the department delay making the notification more
23 than 24 hours from the time the final decision is made regarding
24 where the parolee will be released.

25 (4) Those agencies receiving the notice referred to in this
26 subdivision may provide written comment to the board or
27 department regarding the impending release. Agencies that choose
28 to provide written comments shall respond within 45 days prior
29 to the inmate's scheduled release, unless an agency received less
30 than 60 days' notice of the impending release, in which case the
31 agency shall respond as soon as practicable prior to the scheduled
32 release. Those comments shall be considered by the board or
33 department which may, based on those comments, modify its
34 decision regarding the community in which the person is scheduled
35 to be released. The Department of Corrections and Rehabilitation
36 shall respond in writing not less than 15 days prior to the scheduled
37 release with a final determination as to whether to adjust the parole
38 location and documenting the basis for its decision, unless the
39 department received comments less than 45 days prior to the
40 impending release, in which case the department shall respond as

1 soon as practicable and prior to the scheduled release. The
2 comments shall become a part of the inmate’s file.

3 (c) If the court orders the immediate release of an inmate, the
4 department shall notify the sheriff or chief of police, or both, and
5 the district attorney, having jurisdiction over the community in
6 which the person was convicted and, in addition, the sheriff or
7 chief of police, or both, and the district attorney, having jurisdiction
8 over the community in which the person is scheduled to be released
9 on parole at the time of release.

10 (d) (1) The notification required by this section shall be made
11 whether or not a request has been made under Section 3058.5.

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13 (2) *In* no case shall notice required by this section to the
14 appropriate agency be later than the day of release on parole. If,
15 after the 60-day notice is given to law enforcement and to the
16 district attorney relating to an out-of-county placement, there is *a*
17 change of county placement, notice to the ultimate county of
18 placement shall be made upon the determination of the county of
19 placement.