

ASSEMBLY BILL

No. 1824

Introduced by Assembly Member Hagman

February 21, 2012

An act to amend Section 3455 of the Penal Code, relating to postrelease community supervision.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, as introduced, Hagman. Postrelease community supervision.

Existing law, the Postrelease Community Supervision Act of 2011, requires certain inmates released from state prison to be subject to 3 years supervision by a county agency. The act provides that if the supervising county agency has determined, following application of its assessment processes, that authorized intermediate sanctions are not appropriate, the supervising county agency is required to petition the revocation hearing officer to revoke and terminate postrelease supervision of the inmate.

This bill would make technical, nonsubstantive changes to those 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 3455 of the Penal Code is amended to
- 2 read:
- 3 3455. (a) If the supervising county agency has determined,
- 4 following application of its assessment processes, that intermediate
- 5 sanctions as authorized in subdivision (b) of Section 3454 are not

1 appropriate, the supervising county agency shall petition the
2 revocation hearing officer appointed pursuant to Section 71622.5
3 of the Government Code to revoke and terminate postrelease
4 supervision. At any point during the process initiated pursuant to
5 this section, a person may waive, in writing, his or her right to
6 counsel, admit the violation of his or her postrelease supervision,
7 waive a court hearing, and accept the proposed modification of
8 his or her postrelease supervision. The petition shall include a
9 written report that contains additional information regarding the
10 petition, including the relevant terms and conditions of postrelease
11 supervision, the circumstances of the alleged underlying violation,
12 the history and background of the violator, and any
13 recommendations. The Judicial Council shall adopt forms and
14 rules of court to establish uniform statewide procedures to
15 implement this subdivision, including the minimum contents of
16 supervision agency reports. Upon a finding that the person has
17 violated the conditions of postrelease supervision, the revocation
18 hearing officer shall have authority to do all of the following:

19 (1) Return the person to postrelease supervision with
20 modifications of conditions, if appropriate, including a period of
21 incarceration in county jail.

22 (2) Revoke postrelease supervision and order the person to
23 confinement in the county jail.

24 (3) Refer the person to a reentry court pursuant to Section 3015
25 or other evidence-based program in the court's discretion.

26 (4) At any time during the period of postrelease supervision, if
27 ~~any~~ a peace officer has probable cause to believe a person subject
28 to postrelease community supervision is violating any term or
29 condition of his or her release, the officer may, without a warrant
30 or other process, arrest the person and bring him or her before the
31 supervising county agency established by the county board of
32 supervisors pursuant to subdivision (a) of Section 3451.
33 Additionally, an officer employed by the supervising county agency
34 may seek a warrant and a court or its designated hearing officer
35 appointed pursuant to Section 71622.5 of the Government Code
36 shall have the authority to issue a warrant for that person's arrest.

37 (5) The court or its designated hearing officer shall have the
38 authority to issue a warrant for ~~any~~ a person who is the subject of
39 a petition filed under this section who has failed to appear for a
40 hearing on the petition or for any reason in the interests of justice,

1 or to remand to custody a person who does appear at a hearing on
2 the petition for any reason in the interests of justice.

3 (b) The revocation hearing shall be held within a reasonable
4 time after the filing of the revocation petition. Based upon a
5 showing of a preponderance of the evidence that a person under
6 supervision poses an unreasonable risk to public safety, or *that* the
7 person may not appear if released from custody, or for any reason
8 in the interests of justice, the supervising county agency shall have
9 the authority to make a determination whether the person should
10 remain in custody pending a revocation hearing, and upon that
11 determination, may order the person confined pending a revocation
12 hearing.

13 (c) Confinement pursuant to paragraphs (1) and (2) of
14 subdivision (a) shall not exceed a period of 180 days in ~~the~~ a
15 county jail.

16 (d) A person shall not remain under supervision or in custody
17 pursuant to this title on or after three years from the date of the
18 person's initial entry onto postrelease supervision, except when a
19 bench or arrest warrant has been issued by a court or its designated
20 hearing officer and the person has not appeared. During the time
21 the warrant is outstanding the supervision period shall be tolled
22 and when the person appears before the court or its designated
23 hearing officer the supervision period may be extended for a period
24 equivalent to the time tolled.

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