

**Introduced by Senator Runner**

December 21, 2010

An act to amend Section 3003 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 59, as introduced, Runner. Parole: release.

Existing law requires that an inmate released on parole be returned to the county of last legal residence and requires the Department of Corrections and Rehabilitation to provide specified items of information to local law enforcement agencies regarding an inmate paroled in their jurisdiction. Existing law also provides that the department shall not return to prison, place a parole hold on, or report any parole violation to the Board of Parole Hearings regarding any person to whom all of specified criteria apply, including that the person is not required to register as a sex offender pursuant to the Sex Offender Registration Act.

This bill would exempt persons placed on parole, to whom the above-referenced criteria apply, from the provision that requires inmates released on parole to be returned to the county of last legal residence.

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 3003 of the Penal Code is amended to
- 2 read:
- 3 3003. (a) *Except for persons to whom Section 3000.03 applies*
- 4 *and* as otherwise provided in this section, an inmate who is released
- 5 on parole shall be returned to the county that was the last legal

1 residence of the inmate prior to his or her incarceration. For  
2 purposes of this subdivision, “last legal residence” shall not be  
3 construed to mean the county wherein the inmate committed an  
4 offense while confined in a state prison or local jail facility or  
5 while confined for treatment in a state hospital.

6 (b) Notwithstanding subdivision (a), an inmate may be returned  
7 to another county if that would be in the best interests of the public.  
8 If the Board of Parole Hearings setting the conditions of parole  
9 for inmates sentenced pursuant to subdivision (b) of Section 1168,  
10 as determined by the parole consideration panel, or the Department  
11 of Corrections and Rehabilitation setting the conditions of parole  
12 for inmates sentenced pursuant to Section 1170, decides on a return  
13 to another county, it shall place its reasons in writing in the  
14 parolee’s permanent record and include these reasons in the notice  
15 to the sheriff or chief of police pursuant to Section 3058.6. In  
16 making its decision, the paroling authority shall consider, among  
17 others, the following factors, giving the greatest weight to the  
18 protection of the victim and the safety of the community:

19 (1) The need to protect the life or safety of a victim, the parolee,  
20 a witness, or any other person.

21 (2) Public concern that would reduce the chance that the  
22 inmate’s parole would be successfully completed.

23 (3) The verified existence of a work offer, or an educational or  
24 vocational training program.

25 (4) The existence of family in another county with whom the  
26 inmate has maintained strong ties and whose support would  
27 increase the chance that the inmate’s parole would be successfully  
28 completed.

29 (5) The lack of necessary outpatient treatment programs for  
30 parolees receiving treatment pursuant to Section 2960.

31 (c) The Department of Corrections and Rehabilitation, in  
32 determining an out-of-county commitment, shall give priority to  
33 the safety of the community and any witnesses and victims.

34 (d) In making its decision about an inmate who participated in  
35 a joint venture program pursuant to Article 1.5 (commencing with  
36 Section 2717.1) of Chapter 5, the paroling authority shall give  
37 serious consideration to releasing him or her to the county where  
38 the joint venture program employer is located if that employer  
39 states to the paroling authority that he or she intends to employ  
40 the inmate upon release.

- 1 (e) (1) The following information, if available, shall be released  
2 by the Department of Corrections and Rehabilitation to local law  
3 enforcement agencies regarding a paroled inmate who is released  
4 in their jurisdictions:
- 5 (A) Last, first, and middle name.
  - 6 (B) Birth date.
  - 7 (C) Sex, race, height, weight, and hair and eye color.
  - 8 (D) Date of parole and discharge.
  - 9 (E) Registration status, if the inmate is required to register as a  
10 result of a controlled substance, sex, or arson offense.
  - 11 (F) California Criminal Information Number, FBI number, social  
12 security number, and driver's license number.
  - 13 (G) County of commitment.
  - 14 (H) A description of scars, marks, and tattoos on the inmate.
  - 15 (I) Offense or offenses for which the inmate was convicted that  
16 resulted in parole in this instance.
  - 17 (J) Address, including all of the following information:
    - 18 (i) Street name and number. Post office box numbers are not  
19 acceptable for purposes of this subparagraph.
    - 20 (ii) City and ZIP Code.
    - 21 (iii) Date that the address provided pursuant to this subparagraph  
22 was proposed to be effective.
  - 23 (K) Contact officer and unit, including all of the following  
24 information:
    - 25 (i) Name and telephone number of each contact officer.
    - 26 (ii) Contact unit type of each contact officer such as units  
27 responsible for parole, registration, or county probation.
  - 28 (L) A digitized image of the photograph and at least a single  
29 digit fingerprint of the parolee.
  - 30 (M) A geographic coordinate for the parolee's residence location  
31 for use with a Geographical Information System (GIS) or  
32 comparable computer program.
- 33 (2) The information required by this subdivision shall come  
34 from the statewide parolee database. The information obtained  
35 from each source shall be based on the same timeframe.
- 36 (3) All of the information required by this subdivision shall be  
37 provided utilizing a computer-to-computer transfer in a format  
38 usable by a desktop computer system. The transfer of this  
39 information shall be continually available to local law enforcement  
40 agencies upon request.

1 (4) The unauthorized release or receipt of the information  
2 described in this subdivision is a violation of Section 11143.

3 (f) Notwithstanding any other provision of law, an inmate who  
4 is released on parole shall not be returned to a location within 35  
5 miles of the actual residence of a victim of, or a witness to, a  
6 violent felony as defined in paragraphs (1) to (7), inclusive, and  
7 paragraph (16) of subdivision (c) of Section 667.5 or a felony in  
8 which the defendant inflicts great bodily injury on any person other  
9 than an accomplice that has been charged and proved as provided  
10 for in Section 12022.53, 12022.7, or 12022.9, if the victim or  
11 witness has requested additional distance in the placement of the  
12 inmate on parole, and if the Board of Parole Hearings or the  
13 Department of Corrections and Rehabilitation finds that there is a  
14 need to protect the life, safety, or well-being of a victim or witness.

15 (g) Notwithstanding any other law, an inmate who is released  
16 on parole for a violation of Section 288 or 288.5 whom the  
17 Department of Corrections and Rehabilitation determines poses a  
18 high risk to the public shall not be placed or reside, for the duration  
19 of his or her parole, within one-half mile of any public or private  
20 school including any or all of kindergarten and grades 1 to 12,  
21 inclusive.

22 (h) Notwithstanding any other law, an inmate who is released  
23 on parole for an offense involving stalking shall not be returned  
24 to a location within 35 miles of the victim's actual residence or  
25 place of employment if the victim or witness has requested  
26 additional distance in the placement of the inmate on parole, and  
27 if the Board of Parole Hearings or the Department of Corrections  
28 and Rehabilitation finds that there is a need to protect the life,  
29 safety, or well-being of the victim.

30 (i) The authority shall give consideration to the equitable  
31 distribution of parolees and the proportion of out-of-county  
32 commitments from a county compared to the number of  
33 commitments from that county when making parole decisions.

34 (j) An inmate may be paroled to another state pursuant to any  
35 other law.

36 (k) (1) Except as provided in paragraph (2), the Department of  
37 Corrections and Rehabilitation shall be the agency primarily  
38 responsible for, and shall have control over, the program, resources,  
39 and staff implementing the Law Enforcement Automated Data  
40 System (LEADS) in conformance with subdivision (e).

1 (2) Notwithstanding paragraph (1), the Department of Justice  
2 shall be the agency primarily responsible for the proper release of  
3 information under LEADS that relates to fingerprint cards.

O