

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN SENATE MAY 27, 2011

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 678

Introduced by Senator Negrete McLeod

February 18, 2011

An act to add Section 1203.83 to the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 678, as amended, Negrete McLeod. Probation: community corrections multidisciplinary teams.

Existing law authorizes the members of multidisciplinary teams engaged in the prevention, identification, and control of juvenile crime to share certain information with each other, as specified.

This bill would, in addition, authorize counties, for purposes of providing evidence-based practices and supervision, to convene community corrections multidisciplinary teams engaged in providing community corrections supervision and evidenced-based rehabilitation programs, as specified. The bill would require each community corrections multidisciplinary team to maintain an informed consent policy in order to authorize the sharing of confidential, privileged, or protected information among members of the team, as specified. The bill would additionally require the county probation officer in each county utilizing a community corrections multidisciplinary team to develop and implement a memorandum of understanding between the agencies participating in the community corrections multidisciplinary

team that includes, among other things, a description of the types of information and writings that may be shared between team members.

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 1203.83 is added to the Penal Code, to
2 read:

3 1203.83. (a) Counties are authorized to convene community
4 corrections multidisciplinary teams for purposes of providing
5 evidence-based practices and supervision. Every member of a
6 community corrections multidisciplinary team who receives
7 information or writings shall be under the same privacy and
8 confidentiality obligations and subject to the same penalties for
9 violating those obligations as the person disclosing or providing
10 the information or writings. The information obtained shall be
11 maintained in a manner that ensures the protection of
12 confidentiality.

13 (b) Each community corrections multidisciplinary team shall
14 maintain an informed consent policy in order to authorize the
15 sharing of confidential, privileged, or protected information among
16 members of the team. The policy shall be developed and
17 implemented by the county probation officer with the advice of
18 the local Community Corrections Partnership. The informed
19 consent procedures shall be in compliance with state and federal
20 laws protecting the confidentiality of the types of information and
21 writings that may be in the files maintained by the community
22 corrections multidisciplinary team. The informed consent
23 procedures shall provide the probationer with an opportunity to
24 consult with an attorney prior to consenting to the release of
25 information, *the opportunity to have an attorney present at the*
26 *intake process*, and contain provisions to inform the probationer
27 of the types of information and writings that may be shared
28 between members of the community corrections multidisciplinary
29 team and the types of information and writings the probation officer
30 will report to the court granting probation. *A probationer who does*
31 *not provide his or her written consent to participate in the*
32 *multidisciplinary team pursuant to this section shall not be subject*
33 *to the revocation of probation solely on that ground.*

1 (c) As used in this section, “community corrections” means the
2 placement of persons convicted of a felony offense under probation
3 supervision, with conditions imposed by a court for a specified
4 period.

5 (d) As used in this section, “multidisciplinary team” means any
6 team of three or more persons, the members of which are engaged
7 in providing community corrections supervision and
8 evidence-based rehabilitation programs. The team may include,
9 but is not limited to:

- 10 (1) Probation officers.
- 11 (2) Police officers, sheriffs’ deputies, and other peace officers.
- 12 (3) Social workers.
- 13 (4) Health and mental health providers.
- 14 (5) Substance abuse treatment providers.
- 15 (6) Education professionals.
- 16 (7) Employment coordinators.
- 17 (8) Representatives from community-based organizations with
18 experience in successfully providing rehabilitative services.

19 (e) As used in this section, “evidence-based practices” means
20 supervision policies, procedures, programs, and practices
21 demonstrated by scientific research to reduce recidivism among
22 individuals under probation, parole, or postrelease supervision.

23 (f) As used in this section, “Community Corrections Partnership”
24 means a local Community Corrections Partnership established
25 pursuant to Section 1230.

26 (g) This section shall not be construed to independently
27 authorize access to, or possession of, information from local, state,
28 or federal information systems or databases that multidisciplinary
29 team members are authorized to access or possess in the course of
30 their duties.

31 (h) In each county utilizing a community corrections
32 multidisciplinary team, the county probation officer, advised by
33 the local Community Corrections Partnership, shall develop and
34 implement a memorandum of understanding between the agencies
35 participating in the community corrections multidisciplinary team
36 that includes, but is not limited to, the role of each participating
37 team member and agency, a description of the types of information
38 and writings that may be shared between team members, the
39 circumstances under which the information will be shared, a
40 description of the information and writings the probation officer

- 1 will report to the court, an informed consent policy, and procedures
- 2 for administering the informed consent policy pursuant to
- 3 subdivision (b).

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