

ASSEMBLY BILL

No. 15

Introduced by Assembly Member Bradford

December 3, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 15, as introduced, Bradford. Department of Corrections and Rehabilitation: inmates: parole and postrelease supervision.

Existing law requires that an inmate released on parole or postrelease supervision 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 or placed on postrelease supervision 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.

This bill would require the Department of Corrections and Rehabilitation, not less than 45 days prior to the release of such an inmate, or as soon as practicable, to notify, via the Law Enforcement Automated Data System (LEADS), the local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release.

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. It is the intent of the Legislature, because of the
 2 state’s continuing budget crisis, and its inability to provide services
 3 to recently released unsupervised, nonrevocable parolees, that local
 4 law enforcement, if possible, should help provide all inmates
 5 released to their jurisdiction on unsupervised, nonrevocable parole
 6 with information regarding services available in their jurisdiction.
 7 Further, it is the intent of the Legislature that local county agencies
 8 and other local services providers, to the extent resources are
 9 available, should be encouraged to provide unsupervised,
 10 nonrevocable parolees with services to facilitate their successful
 11 reintegration into communities within their jurisdiction.

12 SEC. 2. Section 3003 of the Penal Code is amended to read:

13 3003. (a) Except as otherwise provided in this section, an
 14 inmate who is released on parole or postrelease supervision as
 15 provided by Title 2.05 (commencing with Section 3450) shall be
 16 returned to the county that was the last legal residence of the inmate
 17 prior to his or her incarceration. For purposes of this subdivision,
 18 “last legal residence” shall not be construed to mean the county
 19 wherein the inmate committed an offense while confined in a state
 20 prison or local jail facility or while confined for treatment in a
 21 state hospital.

22 (b) Notwithstanding subdivision (a), an inmate may be returned
 23 to another county if that would be in the best interests of the public.
 24 If the Board of Parole Hearings setting the conditions of parole
 25 for inmates sentenced pursuant to subdivision (b) of Section 1168,
 26 as determined by the parole consideration panel, or the Department
 27 of Corrections and Rehabilitation setting the conditions of parole
 28 for inmates sentenced pursuant to Section 1170, decides on a return
 29 to another county, it shall place its reasons in writing in the
 30 parolee’s permanent record and include these reasons in the notice
 31 to the sheriff or chief of police pursuant to Section 3058.6. In
 32 making its decision, the paroling authority shall consider, among
 33 others, the following factors, giving the greatest weight to the
 34 protection of the victim and the safety of the community:

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

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

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

3 (4) The existence of family in another county with whom the
4 inmate has maintained strong ties and whose support would
5 increase the chance that the inmate's parole would be successfully
6 completed.

7 (5) The lack of necessary outpatient treatment programs for
8 parolees receiving treatment pursuant to ~~Section 2960~~ *Article 4*
9 *(commencing with Section 2960) of Chapter 7 of Title 1 of Part 3.*

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

13 (d) In making its decision about an inmate who participated in
14 a joint venture program pursuant to Article 1.5 (commencing with
15 Section 2717.1) of Chapter 5, the paroling authority shall give
16 serious consideration to releasing him or her to the county where
17 the joint venture program employer is located if that employer
18 states to the paroling authority that he or she intends to employ
19 the inmate upon release.

20 (e) (1) The following information, if available, shall be released
21 by the Department of Corrections and ~~Rehabilitation~~ *Rehabilitation,*
22 *via the Law Enforcement Automated Data System (LEADS), to*
23 *local law enforcement agencies regarding a paroled inmate or*
24 *inmate placed on postrelease supervision pursuant to Title 2.05*
25 *(commencing with Section 3450) who is released in their*
26 *jurisdictions:*

27 (A) Last, first, and middle ~~name~~ *names.*

28 (B) Birth date.

29 (C) Sex, race, height, weight, and hair and eye color.

30 (D) Date of parole and discharge.

31 (E) Registration status, if the inmate is required to register as a
32 result of a controlled substance, sex, or arson offense.

33 (F) California Criminal Information Number, FBI number, social
34 security number, and driver's license number.

35 (G) County of commitment.

36 (H) A description of scars, marks, and tattoos on the inmate.

37 (I) Offense or offenses for which the inmate was convicted that
38 resulted in parole in this instance.

39 (J) Address, including all of the following information:

- 1 (i) Street name and number. Post office box numbers are not
2 acceptable for purposes of this subparagraph.
- 3 (ii) City and ZIP Code.
- 4 (iii) Date that the address provided pursuant to this subparagraph
5 was proposed to be effective.
- 6 (K) Contact officer and unit, including all of the following
7 information:
- 8 (i) Name and telephone number of each contact officer.
- 9 (ii) Contact unit type of each contact officer such as units
10 responsible for parole, registration, or county probation.
- 11 (L) A digitized image of the photograph and at least a single
12 digit fingerprint of the parolee.
- 13 (M) A geographic coordinate for the parolee's residence location
14 for use with a Geographical Information System (GIS) or
15 comparable computer program.
- 16 (N) *The date of the scheduled release of an inmate described*
17 *in Section 3000.03, which shall be provided not less than 45 days*
18 *prior to that release, or as soon as practicable.*
- 19 (2) The information required by this subdivision shall come
20 from the statewide parolee database. The information obtained
21 from each source shall be based on the same timeframe.
- 22 (3) All of the information required by this subdivision shall be
23 provided utilizing a computer-to-computer transfer in a format
24 usable by a desktop computer system. The transfer of this
25 information shall be continually available to local law enforcement
26 agencies upon request.
- 27 (4) The unauthorized release or receipt of the information
28 described in this subdivision is a violation of Section 11143.
- 29 (f) Notwithstanding any other provision of law, an inmate who
30 is released on parole shall not be returned to a location within 35
31 miles of the actual residence of a victim of, or a witness to, a
32 violent felony as defined in paragraphs (1) to (7), inclusive, and
33 paragraph (16) of subdivision (c) of Section 667.5 or a felony in
34 which the defendant inflicts great bodily injury on any person other
35 than an accomplice that has been charged and proved as provided
36 for in Section 12022.53, 12022.7, or 12022.9, if the victim or
37 witness has requested additional distance in the placement of the
38 inmate on parole, and if the Board of Parole Hearings or the
39 Department of Corrections and Rehabilitation finds that there is a
40 need to protect the life, safety, or well-being of a victim or witness.

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

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

16 (i) The authority shall give consideration to the equitable
17 distribution of parolees and the proportion of out-of-county
18 commitments from a county compared to the number of
19 commitments from that county when making parole decisions.

20 (j) An inmate may be paroled to another state pursuant to any
21 other law. The Department of Corrections and Rehabilitation shall
22 coordinate with local entities regarding the placement of inmates
23 placed out of state on postrelease supervision pursuant to Title
24 2.05 (commencing with Section 3450).

25 (k) (1) Except as provided in paragraph (2), the Department of
26 Corrections and Rehabilitation shall be the agency primarily
27 responsible for, and shall have control over, the program, resources,
28 and staff implementing ~~the Law Enforcement Automated Data~~
29 ~~System (LEADS)~~ *LEADS* in conformance with subdivision (e).
30 County agencies supervising inmates released to postrelease
31 supervision pursuant to Title 2.05 (commencing with Section 3450)
32 shall provide any information requested by the department to
33 ensure the availability of accurate information regarding inmates
34 released from state prison. This information may include the
35 issuance of warrants, revocations, or the termination of postrelease
36 supervision. On or before August 1, 2011, county agencies
37 designated to supervise inmates released to postrelease supervision
38 shall notify the department that the county agencies have been
39 designated as the local entity responsible for providing that
40 supervision.

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.
4 (l) In addition to the requirements under subdivision (k), the
5 Department of Corrections and Rehabilitation shall submit to the
6 Department of Justice data to be included in the supervised release
7 file of the California Law Enforcement Telecommunications
8 System (CLETS) so that law enforcement can be advised through
9 CLETS of all persons on postrelease community supervision and
10 the county agency designated to provide supervision. The data
11 required by this subdivision shall be provided via electronic
12 transfer.