

ASSEMBLY BILL

No. 723

**Introduced by Assembly Member Quirk
(Coauthor: Assembly Member Skinner)**

February 21, 2013

An act to add Section 3455.01 to the Penal Code, relating to postrelease community supervision.

LEGISLATIVE COUNSEL'S DIGEST

AB 723, as introduced, Quirk. Postrelease community supervision: revocation: release on bail.

Existing law requires that persons released from prison after serving a prison term for a felony, with exceptions, be released into postrelease community supervision for a period not exceeding 3 years. Existing law provides for immediate, structured, and intermediate sanctions to punish violations of an offender's conditions of postrelease supervision. Existing law allows the revocation of postrelease supervision by a revocation hearing officer appointed by the court upon a finding that the person has violated the conditions of postrelease supervision.

This bill would allow a person on postrelease supervision who has a revocation petition filed against him or her to file an application for bail with the superior court. The bill would provide that bail pending revocation of postrelease community supervision is a matter within the sole discretion of the court. The bill would require a bail application made pursuant to these provisions to be governed by the procedures set forth in existing law for the taking of bail and would state that its provisions do not prohibit a court from making any order authorized by those provisions.

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 3455.01 is added to the Penal Code, to
- 2 read:
- 3 3455.01. (a) A person subject to postrelease community
- 4 supervision who has had a revocation petition filed against him or
- 5 her by the county agency responsible for postrelease community
- 6 supervision pursuant to subdivision (a) of Section 3455 may file
- 7 an application for bail with the superior court.
- 8 (b) Admittance to bail pending revocation of postrelease
- 9 community supervision is a matter within the sole discretion of
- 10 the court.
- 11 (c) A bail application made pursuant to this section shall be
- 12 governed by the procedures set forth in Chapter 1 (commencing
- 13 with Section 1268) of Title 10 of Part 2.
- 14 (d) This section does not prohibit a court from making any order
- 15 authorized by Chapter 1 (commencing with Section 1268) of Title
- 16 10 of Part 2.

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