

AMENDED IN SENATE AUGUST 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1479

Introduced by Committee on Budget (Skinner (Chair), Bloom, Campos, Chesbro, Dababneh, Daly, Dickinson, Gordon, Jones-Sawyer, Mullin, Muratsuchi, Nazarian, Rodriguez, Stone, Ting, and Weber)

January 9, 2014

An act relating to the Budget Act of 2014 to amend Sections 3042 and 3043 of the Penal Code, and to amend Section 51 of Chapter 26 of the Statutes of 2014, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 1479, as amended, Committee on Budget. ~~Budget Act of 2014.~~
Public safety.

Existing law requires the Board of Parole Hearings, upon request, to notify the victim, or next of kin of the victim, of any crime committed by a prisoner, of any hearing to review or consider the parole suitability or the setting of a parole date for that prisoner. Existing law requires that this notice be given by telephone, certified mail, or electronic mail, using the method of communication selected by the requesting party, if that method is available. Existing law also requires the board to send, by certified mail, written notice of the parole hearing to the judge of the superior court before whom a prisoner was tried.

This bill would instead require the board to send the notice to the judge of the superior court, and would authorize the board to send the notice to the victim or the victim's next of kin, using United States mail.

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified. Existing law also requires the board to develop incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services to a broader target population and maximize the impact of state funds at the local level.

This bill would appropriate \$5,000,000 from the Recidivism Reduction Fund to the Board of State and Community Corrections for the establishment of a social innovation financing program for counties.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2014.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3042 of the Penal Code is amended to
2 read:

3 3042. (a) At least 30 days before the Board of Prison Terms
4 meets to review or consider the parole suitability or the setting of
5 a parole date for any prisoner sentenced to a life sentence, the
6 board shall send written notice thereof to each of the following
7 persons: the judge of the superior court before whom the prisoner
8 was tried and convicted, the attorney who represented the defendant
9 at trial, the district attorney of the county in which the offense was
10 committed, the law enforcement agency that investigated the case,
11 and where the prisoner was convicted of the murder of a peace
12 officer, the law enforcement agency which had employed that
13 peace officer at the time of the murder.

14 (b) The Board of Prison Terms shall record all those hearings
15 and transcribe recordings of those hearings within 30 days of any
16 hearing. Those transcripts, including the transcripts of all prior
17 hearings, shall be filed and maintained in the office of the Board
18 of Prison Terms and shall be made available to the public no later
19 than 30 days from the date of the hearing. No prisoner shall actually
20 be released on parole prior to 60 days from the date of the hearing.

1 (c) At any hearing, the presiding hearing officer shall state his
2 or her findings and supporting reasons on the record.

3 (d) Any statements, recommendations, or other materials
4 considered shall be incorporated into the transcript of the hearing,
5 unless the material is confidential in order to preserve institutional
6 security and the security of others who might be endangered by
7 disclosure.

8 (e) This section shall not apply to any hearing held to consider
9 advancing a prisoner's parole date due to his or her conduct since
10 his or her last hearing.

11 (f) (1) The written notice to the judge of the superior court
12 before whom the prisoner was tried and convicted shall be sent by
13 ~~certified mail with return receipt requested~~ *United States mail*.

14 (2) The judge receiving this written notice may forward to the
15 parole board any unprivileged information from the trial or
16 sentencing proceeding regarding the prisoner, witnesses, or victims,
17 or other relevant persons, or any other information, that is pertinent
18 to the question of whether the parole board should grant parole or
19 under what conditions parole should be granted. The judge may
20 also, in his or her discretion, include information given to him or
21 her by victims, witnesses, or other persons that bear on the question
22 of the prisoner's suitability for parole.

23 (3) The parole board shall review and consider all information
24 received from the judge or any other person and shall consider
25 adjusting the terms or conditions of parole to reflect the comments
26 or concerns raised by this information, as appropriate.

27 (g) Nothing in this section shall be construed as limiting the
28 type or content of information the judge or any other person may
29 forward to the parole board for consideration under any other
30 provision of law.

31 (h) Any person who receives notice under subdivision (a) who
32 is authorized to forward information for consideration in a parole
33 suitability hearing or the setting of a parole date for a person
34 sentenced to a life sentence under this section, may forward that
35 information either by facsimile or electronic mail. The Department
36 of Corrections shall establish procedures for receiving the
37 information by facsimile or electronic mail pursuant to this
38 subdivision.

39 *SEC. 2. Section 3043 of the Penal Code is amended to read:*

1 3043. (a) (1) Upon request to the Department of Corrections
2 and Rehabilitation and verification of the identity of the requester,
3 notice of any hearing to review or consider the parole suitability
4 or the setting of a parole date for any prisoner in a state prison
5 shall be given by telephone, certified mail, *regular mail*, or
6 electronic mail, using the method of communication selected by
7 the requesting party, if that method is available, by the Board of
8 Parole Hearings at least 90 days before the hearing to any victim
9 of any crime committed by the prisoner, or to the next of kin of
10 the victim if the victim has died, to include the commitment crimes,
11 determinate term commitment crimes for which the prisoner has
12 been paroled, and any other felony crimes or crimes against the
13 person for which the prisoner has been convicted. The requesting
14 party shall keep the board apprised of his or her current contact
15 information in order to receive the notice.

16 (2) No later than 30 days prior to the date selected for the
17 hearing, any person, other than the victim, entitled to attend the
18 hearing shall inform the board of his or her intention to attend the
19 hearing and the name and identifying information of any other
20 person entitled to attend the hearing who will accompany him or
21 her.

22 (3) No later than 14 days prior to the date selected for the
23 hearing, the board shall notify every person entitled to attend the
24 hearing confirming the date, time, and place of the hearing.

25 (b) (1) The victim, next of kin, members of the victim's family,
26 and two representatives designated as provided in paragraph (2)
27 of this subdivision have the right to appear, personally or by
28 counsel, at the hearing and to adequately and reasonably express
29 his, her, or their views concerning the prisoner and the case,
30 including, but not limited to the commitment crimes, determinate
31 term commitment crimes for which the prisoner has been paroled,
32 any other felony crimes or crimes against the person for which the
33 prisoner has been convicted, the effect of the enumerated crimes
34 on the victim and the family of the victim, the person responsible
35 for these enumerated crimes, and the suitability of the prisoner for
36 parole.

37 (2) Any statement provided by a representative designated by
38 the victim or next of kin may cover any subject about which the
39 victim or next of kin has the right to be heard including any
40 recommendation regarding the granting of parole. The

1 representatives shall be designated by the victim or, in the event
2 that the victim is deceased or incapacitated, by the next of kin.
3 They shall be designated in writing for the particular hearing prior
4 to the hearing.

5 (c) A representative designated by the victim or the victim's
6 next of kin for purposes of this section may be any adult person
7 selected by the victim or the family of the victim. The board shall
8 permit a representative designated by the victim or the victim's
9 next of kin to attend a particular hearing, to provide testimony at
10 a hearing, and to submit a statement to be included in the hearing
11 as provided in Section 3043.2, even though the victim, next of kin,
12 or a member of the victim's immediate family is present at the
13 hearing, and even though the victim, next of kin, or a member of
14 the victim's immediate family has submitted a statement as
15 described in Section 3043.2.

16 (d) The board, in deciding whether to release the person on
17 parole, shall consider the entire and uninterrupted statements of
18 the victim or victims, next of kin, immediate family members of
19 the victim, and the designated representatives of the victim or next
20 of kin, if applicable, made pursuant to this section and shall include
21 in its report a statement whether the person would pose a threat to
22 public safety if released on parole.

23 (e) In those cases where there are more than two immediate
24 family members of the victim who wish to attend any hearing
25 covered in this section, the board shall allow attendance of
26 additional immediate family members to include the following:
27 spouse, children, parents, siblings, grandchildren, and grandparents.

28 *SEC. 3. Section 51 of Chapter 26 of the Statutes of 2014 is*
29 *amended to read:*

30 *Sec. 51. Notwithstanding the rulemaking provisions of the*
31 *Administrative Procedure Act (Chapter 3.5 (commencing with*
32 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
33 *Code), until January 1, 2016, the department may implement and*
34 *administer Sections 45 to 50, inclusive, of this act by all-county*
35 *letters or similar instructions. The all-county letters or similar*
36 *instructions shall be developed in consultation with the Chief*
37 *Probation Officers of California, the County Welfare Directors*
38 *Association of California, and client advocates. The department*
39 *shall adopt regulations implementing Sections ~~40 to 46~~ 45 to 50,*
40 *inclusive, of this act by January 1, 2016.*

1 *SEC. 4. The sum of five million dollars (\$5,000,000) is hereby*
2 *appropriated, in the 2014–15 fiscal year, from the Recidivism*
3 *Reduction Fund to the Board of State and Community Corrections*
4 *for the establishment of a social innovation financing program for*
5 *counties. The Board of State and Community Corrections may use*
6 *up to 5 percent of the total amount appropriated to administer this*
7 *program.*

8 *SEC. 5. This act is a bill providing for appropriations related*
9 *to the Budget Bill within the meaning of subdivision (e) of Section*
10 *12 of Article IV of the California Constitution, has been identified*
11 *as related to the budget in the Budget Bill, and shall take effect*
12 *immediately.*

13 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
14 ~~changes relating to the Budget Act of 2014.~~