

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1901**

---

---

**Introduced by Assembly Member Muratsuchi**

February 19, 2014

---

---

An act to amend Section 3451 of, *and to add Section 3000.01 to*, the Penal Code, relating to ~~postrelease community supervision~~ *corrections*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1901, as amended, Muratsuchi. ~~Postrelease community supervision; placement.~~ *Corrections.*

Existing law requires that all persons released from prison on and after October 1, 2011, after serving a prison term for a felony, be subject to postrelease community supervision provided by a county agency for a period of 3 years immediately following release, except for persons released after serving a term for a serious felony, a violent felony, an offense for which the person was sentenced pursuant to the Three Strikes law, a crime where the person is classified as a High Risk Sex Offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

*This bill would authorize a court, upon a motion by the district attorney, or upon the court's own motion, to, at the time of sentencing, order a person who will serve a term in a state prison for a crime that is not a serious felony, violent felony, an offense for which the person was sentenced pursuant to the Three Strikes law, a crime where the person is classified as a High Risk Sex Offender, or a crime where the*

*person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder, to be released on parole rather than postrelease community supervision after serving his or her term in prison. The bill would specify a procedure for the court to determine when a person meeting those criteria would be directed to parole. The bill would make additional conforming changes.*

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

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

1 SECTION 1. Section 3000.01 is added to the Penal Code, to  
2 read:

3 3000.01. (a) Notwithstanding any other law, a defendant who  
4 will be incarcerated in state prison for a current felony conviction  
5 that is not a serious felony as described in subdivision (c) of Section  
6 1192.7, a violent felony as described in subdivision (c) of Section  
7 667.5, a crime for which the defendant is sentenced pursuant to  
8 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)  
9 of subdivision (c) of Section 1170.12, a crime where the defendant  
10 is classified as a High Risk Sex Offender, or a crime where the  
11 defendant is required to undergo treatment by the State Department  
12 of State Hospitals because the defendant has a severe mental  
13 disorder, may be released from prison on parole rather than  
14 postrelease community supervision pursuant to this section.

15 (b) Upon a motion by the district attorney, or upon the court's  
16 own motion, the court may, at the time of sentencing, order a  
17 defendant described in subdivision (a) to be released on parole  
18 rather than postrelease community supervision after serving his  
19 or her term in prison.

20 (c) In determining whether to release a defendant described in  
21 subdivision (a) on parole, the court may consider the record in  
22 the case, the defendant's prior criminal history, the probation  
23 officer's report, other reports, including reports received pursuant  
24 to Section 1203.3, statements submitted by the prosecution,  
25 showing facts in aggravation or facts in mitigation of ordering the  
26 defendant to be released on parole, statements by the defendant,  
27 the victim, or the family or next of kin if the victim is deceased,  
28 and any further evidence the court finds appropriate.

1 (d) *The court shall consider the severity of the defendant's*  
2 *criminal record and the other materials listed in subdivision (c)*  
3 *in determining whether to order the defendant to be released on*  
4 *parole, and shall set forth its reasons in the record for the order*  
5 *for a defendant described in subdivision (a) to be released on*  
6 *parole.*

7 **SECTION 1.**

8 **SEC. 2.** Section 3451 of the Penal Code is amended to read:

9 3451. (a) Notwithstanding any other law, *except for Section*  
10 *3000.01*, and except for persons serving a prison term for a crime  
11 described in subdivision (b), all persons released from prison on  
12 and after October 1, 2011, or, whose sentence has been deemed  
13 served pursuant to Section 2900.5 after serving a prison term for  
14 a felony shall, upon release from prison and for a period not  
15 exceeding three years immediately following release, be subject  
16 to postrelease community supervision provided by a county agency  
17 designated by each county's board of supervisors that is consistent  
18 with evidence-based practices, including, but not limited to,  
19 supervision policies, procedures, programs, and practices  
20 demonstrated by scientific research to reduce recidivism among  
21 individuals under postrelease supervision.

22 (b) This section shall not apply to a person released from prison  
23 after having served a prison term for any of the following:

24 (1) A serious felony described in subdivision (c) of Section  
25 1192.7.

26 (2) A violent felony described in subdivision (c) of Section  
27 667.5.

28 (3) A crime for which the person was sentenced pursuant to  
29 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)  
30 of subdivision (c) of Section 1170.12.

31 (4) A crime for which the person is classified as a high risk sex  
32 offender.

33 (5) A crime for which the person is required, as a condition of  
34 parole, to undergo treatment by the State Department of State  
35 Hospitals pursuant to Section 2962.

36 (c) (1) Postrelease community supervision under this title shall  
37 be implemented by a county agency according to a postrelease  
38 strategy designated by each county's board of supervisors.

39 (2) The Department of Corrections and Rehabilitation shall  
40 inform every prisoner subject to the provisions of this title, upon

1 release from state prison, of the requirements of this title and of  
2 his or her responsibility to report to the county agency responsible  
3 for serving that inmate. The department shall also inform persons  
4 serving a term of parole for a felony offense who are subject to  
5 this section of the requirements of this title and of his or her  
6 responsibility to report to the county agency responsible for serving  
7 that parolee. Thirty days prior to the release of a person subject to  
8 postrelease community supervision by a county, the department  
9 shall notify the county of all information that would otherwise be  
10 required for parolees under subdivision (e) of Section 3003.

11 (d) A person released to postrelease community supervision  
12 pursuant to subdivision (a) shall, regardless of any subsequent  
13 determination that the person should have been released to parole  
14 pursuant to Section 3000.08, remain subject to subdivision (a) after  
15 having served 60 days under supervision pursuant to subdivision  
16 (a).