

**ASSEMBLY BILL**

**No. 2121**

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**Introduced by Assembly Member Gray**

February 20, 2014

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An act to amend Section 3010.10 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2121, as introduced, Gray. Sex Offenders: parole: disabling monitoring device.

Existing law, subject to exceptions, prohibits a person required to register as a sex offender from removing or disabling an electronic monitoring device, or permitting another to do so, if the device is a condition of parole. A violation of these provisions requires the parole authority to revoke the person's parole and to require incarceration of the person in a county jail for 180 days.

This bill would increase the penalty for this parole violation to incarceration in a county jail for not less than 180 days and not more than one year.

By increasing the incarceration duties of local jail facilities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 3010.10 of the Penal Code is amended  
2 to read:

3 3010.10. (a) A person who is required to register as a sex  
4 offender pursuant to Section 290 shall not remove or disable, or  
5 permit another to remove or disable, an electronic, global  
6 positioning system (GPS), or other monitoring device affixed to  
7 his or her person as a condition of parole, when he or she knows  
8 that the device was affixed as a condition of parole.

9 (b) (1) This section shall not apply if the removal or disabling  
10 of an electronic, GPS, or other monitoring device is performed by  
11 a physician, emergency medical services technician, or by any  
12 other emergency response or medical personnel when doing so is  
13 necessary during the course of medical treatment of the person  
14 subject to the electronic, GPS, or other monitoring device.

15 (2) This section shall not apply if the removal or disabling of  
16 the electronic, GPS, or other monitoring device is authorized or  
17 required by a court, or by the law enforcement, probation, parole  
18 authority, or other entity responsible for placing the electronic,  
19 GPS, or other monitoring device upon the person, or that has, at  
20 the time, the authority and responsibility to monitor the electronic,  
21 GPS, or other monitoring device.

22 (c) Upon a violation of this section, the parole authority shall  
23 revoke the person’s parole and require that he or she be incarcerated  
24 in the county jail for ~~a period of~~ *not less than 180 days and not*  
25 *more than one year.*

26 SEC. 2. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.

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