

Assembly Bill No. 2121

Passed the Assembly August 21, 2014

Chief Clerk of the Assembly

Passed the Senate August 20, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2121, 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, global positioning system (GPS), or other 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 recast those provisions to prohibit the person from removing, disabling, rendering inoperable, or knowingly circumventing the operation of an electronic, GPS, or other monitoring system that is required as a condition of parole, or permitting another person to perform one of those prohibited acts, except as provided. The bill would additionally require a person who is required to register as a sex offender as a condition of parole to report to his or her parole officer within one working day following release from custody, or as instructed by a parole officer, for the purpose of affixing an electronic, GPS, or other monitoring device to his or her person. The bill would provide that parole revocation and incarceration, as described above, are not mandatory for a violation of the provisions requiring reporting to a parole officer if the parole authority finds that in the interests of justice those penalties are not appropriate in the particular case.

By expanding the scope of provisions that, if violated, require incarceration in 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 no reimbursement is required by this act for a specified reason.

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

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

3010.10. (a) A person who is required to register as a sex offender pursuant to Section 290 as a condition of parole shall report to his or her parole officer within one working day following release from custody, or as instructed by a parole officer to have an electronic, global positioning system (GPS), or other monitoring device affixed to his or her person.

(b) A person who is required to register as a sex offender pursuant to Section 290 shall not remove, disable, render inoperable, or knowingly circumvent the operation of, or permit another to remove, disable, render inoperable, or knowingly circumvent the operation of, an electronic, GPS, or other monitoring device affixed to his or her person as a condition of parole, when he or she knows that the device was affixed as a condition of parole.

(c) (1) This section does not apply if the removal, disabling, rendering inoperable, or circumvention of the electronic, GPS, or other monitoring device is performed by a physician, emergency medical services technician, or by any other emergency response or medical personnel when doing so is necessary during the course of medical treatment of the person subject to the electronic, GPS, or other monitoring device.

(2) This section does not apply if the removal, disabling, rendering inoperable, or knowingly circumventing the operation of the electronic, GPS, or other monitoring device is authorized or required by a court, or by the law enforcement, probation, parole authority, or other entity responsible for placing the electronic, GPS, or other monitoring device upon the person, or that has, at the time, the authority and responsibility to monitor the electronic, GPS, or other monitoring device.

(d) Unless the parole authority finds that in the interests of justice it is not appropriate in a particular case, upon a violation of subdivision (a), the parole authority shall revoke the person's

parole and require that he or she be incarcerated in a county jail for 180 days.

(e) Upon a violation of subdivision (b), the parole authority shall revoke the person's parole and require that he or she be incarcerated in a county jail for 180 days.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2014

Governor