

Introduced by Senator Block

February 21, 2013

An act to amend Section 3454 of the Penal Code, relating to postrelease community supervision.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as introduced, Block. Postrelease community supervision: flash incarceration.

Under existing law, the Postrelease Community Supervision Act of 2011, certain felons, upon release from prison, are subject to community supervision. Existing law requires that each supervising county agency, as established by the county's board of supervisors, establish a review process for assessing and refining a person's program of postrelease supervision and imposes specified requirements that additional postrelease supervision conditions are required to meet. Additionally, existing law permits each county agency responsible for postrelease supervision to determine additional appropriate conditions of supervision, and also to determine and order appropriate responses to alleged violations, including, among other things, flash incarceration in a county jail.

This bill would make technical, nonsubstantive changes to the latter provision.

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

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

1 SECTION 1. Section 3454 of the Penal Code is amended to
2 read:

1 3454. (a) Each supervising county agency, as established by
 2 the county board of supervisors pursuant to subdivision (a) of
 3 Section 3451, shall establish a review process for assessing and
 4 refining a person’s program of postrelease supervision. Any
 5 additional postrelease supervision conditions shall be reasonably
 6 related to the underlying offense for which the offender spent time
 7 in prison, or to the offender’s risk of recidivism, and the offender’s
 8 criminal history, and be otherwise consistent with law.

9 (b) Each county agency responsible for postrelease supervision,
 10 as established by the county board of supervisors pursuant to
 11 subdivision (a) of Section 3451, may determine additional
 12 appropriate conditions of supervision listed in Section 3453
 13 consistent with public safety, including the use of continuous
 14 electronic monitoring as defined in Section 1210.7, order the
 15 provision of appropriate rehabilitation and treatment services,
 16 determine appropriate incentives, and determine and order
 17 appropriate responses to alleged violations, ~~which can~~ *that may*
 18 include, but shall not be limited to, immediate, structured, and
 19 intermediate sanctions up to and including referral to a reentry
 20 court pursuant to Section 3015, or flash incarceration in a county
 21 jail. Periods of flash incarceration are encouraged as one method
 22 of punishment for violations of an offender’s condition of
 23 postrelease supervision.

24 (c) “Flash incarceration” is a period of detention in county jail
 25 due to a violation of an offender’s conditions of postrelease
 26 supervision. The length of the detention period can range between
 27 one and 10 consecutive days. Flash incarceration is a tool that may
 28 be used by each county agency responsible for postrelease
 29 supervision. Shorter, but if necessary more frequent, periods of
 30 detention for violations of an offender’s postrelease supervision
 31 conditions shall appropriately punish an offender while preventing
 32 the disruption in a work or home establishment that typically arises
 33 from longer term revocations.