

**Introduced by Senator Anderson**

February 3, 2014

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An act to ~~amend Section 647 of~~ *add Section 1202.9* to the Penal Code, relating to ~~disorderly conduct probation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 933, as amended, Anderson. ~~Disorderly conduct.~~ *Probation.*

*Existing law defines "probation" as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release into the community. Existing law requires a person placed on probation to be under the supervision of the county probation officer, and authorizes that officer to determine the level and type of supervision consistent with the conditions of probation ordered by the court.*

*This bill would require, by an unspecified date, the chief probation officer in each county to establish a protocol for the imposition of graduated sanctions for violations of the conditions of probation. By imposing additional requirements on county probation officers, 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.*

~~Existing law provides that a person is guilty of disorderly conduct, a misdemeanor, based on various acts, including when a person solicits or agrees to engage in or engages in any act of prostitution, as specified.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

1     SECTION 1. Section 1202.9 is added to the Penal Code, to  
 2     read:  
 3     1202.9. (a) The chief probation officer of each county shall,  
 4     by \_\_\_\_, establish a protocol for the imposition of graduated  
 5     sanctions for violations of the conditions of probation. The protocol  
 6     shall set forth a menu of presumptive sanctions for common  
 7     supervision violations, including, but not limited to:  
 8     (1) Failure to report.  
 9     (2) Failure to pay fines, fees, or victim restitution.  
 10    (3) Failure to participate in a required program, service, or  
 11    training.  
 12    (4) Failure to complete community service.  
 13    (5) Violation of a protective order or a stay-away order.  
 14    (6) Failure to refrain from the use of alcohol or controlled  
 15    substances.  
 16    (b) For purposes of determining which graduated sanction  
 17    to impose, the probation department shall consider a variety of  
 18    factors, including, but not limited to:  
 19    (1) The severity of the current violation.  
 20    (2) The probationer’s criminal record.  
 21    (3) The probationer’s assessed risk level.  
 22    (4) The extent to which sanctions were imposed for any previous  
 23    violations.  
 24    SEC. 2. If the Commission on State Mandates determines that  
 25    this act contains costs mandated by the state, reimbursement to  
 26    local agencies and school districts for those costs shall be made  
 27    pursuant to Part 7 (commencing with Section 17500) of Division  
 28    4 of Title 2 of the Government Code.

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**All matter omitted in this version of the bill appears in the bill as introduced in the Senate, February 3, 2014. (JR11)**

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