

**ASSEMBLY BILL**

**No. 231**

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**Introduced by Assembly Member Eggman**

February 4, 2015

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An act to amend Section 3003 of the Penal Code, relating to postconviction supervised released.

LEGISLATIVE COUNSEL'S DIGEST

AB 231, as introduced, Eggman. Parole: placement at release.

Existing law generally requires that an inmate released on parole or postrelease community supervision be returned to the county of last legal residence. Existing law provides, however, that an inmate who is released on parole for an offense involving stalking shall not be returned to a location within 35 miles of the victim's actual residence or place of employment if specified criteria are satisfied.

This bill would make that provision applicable to an inmate released on mandatory supervision or postrelease community supervision. The bill would also authorize a supervising county agency to transfer an inmate who is released on postrelease community supervision or mandatory supervision to another county, upon approval of the receiving county, when the inmate cannot be placed in his or her county of last legal residence in compliance with this provision. The bill would make other clarifying changes. By imposing additional duties on supervising county agencies, 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 3003 of the Penal Code is amended to  
2 read:

3 3003. (a) Except as otherwise provided in this section, an  
4 inmate who is released on parole or postrelease supervision as  
5 provided by Title 2.05 (commencing with Section 3450) shall be  
6 returned to the county that was the last legal residence of the inmate  
7 prior to his or her incarceration. For purposes of this subdivision,  
8 "last legal residence" shall not be construed to mean the county  
9 wherein the inmate committed an offense while confined in a state  
10 prison or local jail facility or while confined for treatment in a  
11 state hospital.

12 (b) Notwithstanding subdivision (a), an inmate may be returned  
13 to another county if that would be in the best interests of the public.  
14 If the Board of Parole Hearings setting the conditions of parole  
15 for inmates sentenced pursuant to subdivision (b) of Section 1168,  
16 as determined by the parole consideration panel, or the Department  
17 of Corrections and Rehabilitation setting the conditions of parole  
18 for inmates sentenced pursuant to Section 1170, decides on a return  
19 to another county, it shall place its reasons in writing in the  
20 parolee's permanent record and include these reasons in the notice  
21 to the sheriff or chief of police pursuant to Section 3058.6. In  
22 making its decision, the paroling authority shall consider, among  
23 others, the following factors, giving the greatest weight to the  
24 protection of the victim and the safety of the community:

25 (1) The need to protect the life or safety of a victim, the parolee,  
26 a witness, or any other person.

27 (2) Public concern that would reduce the chance that the  
28 inmate's parole would be successfully completed.

29 (3) The verified existence of a work offer, or an educational or  
30 vocational training program.

31 (4) The existence of family in another county with whom the  
32 inmate has maintained strong ties and whose support would

1 increase the chance that the inmate’s parole would be successfully  
2 completed.

3 (5) The lack of necessary outpatient treatment programs for  
4 parolees receiving treatment pursuant to Section 2960.

5 (c) The Department of Corrections and Rehabilitation, in  
6 determining an out-of-county commitment, shall give priority to  
7 the safety of the community and any witnesses and victims.

8 (d) In making its decision about an inmate who participated in  
9 a joint venture program pursuant to Article 1.5 (commencing with  
10 Section 2717.1) of Chapter 5, the paroling authority shall give  
11 serious consideration to releasing him or her to the county where  
12 the joint venture program employer is located if that employer  
13 states to the paroling authority that he or she intends to employ  
14 the inmate upon release.

15 (e) (1) The following information, if available, shall be released  
16 by the Department of Corrections and Rehabilitation to local law  
17 enforcement agencies regarding a paroled inmate or inmate placed  
18 on postrelease *community* supervision pursuant to Title 2.05  
19 (commencing with Section 3450) who is released in their  
20 jurisdictions:

21 (A) Last, first, and middle name.

22 (B) Birth date.

23 (C) Sex, race, height, weight, and hair and eye color.

24 (D) Date of parole *or placement on postrelease community*  
25 *supervision* and discharge.

26 (E) Registration status, if the inmate is required to register as a  
27 result of a controlled substance, sex, or arson offense.

28 (F) California Criminal Information Number, FBI number, social  
29 security number, and driver’s license number.

30 (G) County of commitment.

31 (H) A description of scars, marks, and tattoos on the inmate.

32 (I) Offense or offenses for which the inmate was convicted that  
33 resulted in parole *or postrelease community supervision* in this  
34 instance.

35 (J) Address, including all of the following information:

36 (i) Street name and number. Post office box numbers are not  
37 acceptable for purposes of this subparagraph.

38 (ii) City and ZIP Code.

39 (iii) Date that the address provided pursuant to this subparagraph  
40 was proposed to be effective.

1 (K) Contact officer and unit, including all of the following  
2 information:  
3 (i) Name and telephone number of each contact officer.  
4 (ii) Contact unit type of each contact officer such as units  
5 responsible for parole, registration, or county probation.  
6 (L) A digitized image of the photograph and at least a single  
7 digit fingerprint of the parolee.  
8 (M) A geographic coordinate for the ~~parolee's~~ *inmate's*  
9 residence location for use with a Geographical Information System  
10 (GIS) or comparable computer program.  
11 (2) Unless the information is unavailable, the Department of  
12 Corrections and Rehabilitation shall electronically transmit to the  
13 county agency identified in subdivision (a) of Section 3451 the  
14 inmate's tuberculosis status, specific medical, mental health, and  
15 outpatient clinic needs, and any medical concerns or disabilities  
16 for the county to consider as the offender transitions onto  
17 postrelease community supervision pursuant to Section 3450, for  
18 the purpose of identifying the medical and mental health needs of  
19 the individual. All transmissions to the county agency shall be in  
20 compliance with applicable provisions of the federal Health  
21 Insurance Portability and Accountability Act of 1996 (HIPAA)  
22 (Public Law 104-191), the federal Health Information Technology  
23 for Clinical Health Act (HITECH) (Public Law 111-005), and the  
24 implementing of privacy and security regulations in Parts 160 and  
25 164 of Title 45 of the Code of Federal Regulations. This paragraph  
26 shall not take effect until the Secretary of the United States  
27 Department of Health and Human Services, or his or her designee,  
28 determines that this provision is not preempted by HIPAA.  
29 (3) Except for the information required by paragraph (2), the  
30 information required by this subdivision shall come from the  
31 statewide parolee database. The information obtained from each  
32 source shall be based on the same timeframe.  
33 (4) All of the information required by this subdivision shall be  
34 provided utilizing a computer-to-computer transfer in a format  
35 usable by a desktop computer system. The transfer of this  
36 information shall be continually available to local law enforcement  
37 agencies upon request.  
38 (5) The unauthorized release or receipt of the information  
39 described in this subdivision is a violation of Section 11143.

1 (f) Notwithstanding any other ~~provision of~~ law, an inmate who  
2 is released on parole shall not be returned to a location within 35  
3 miles of the actual residence of a victim of, or a witness to, a  
4 violent felony as defined in paragraphs (1) to (7), inclusive, and  
5 paragraph (16) of subdivision (c) of Section 667.5 or a felony in  
6 which the defendant inflicts great bodily injury on any person other  
7 than an accomplice that has been charged and proved as provided  
8 for in Section 12022.53, 12022.7, or 12022.9, if the victim or  
9 witness has requested additional distance in the placement of the  
10 inmate on parole, and if the Board of Parole Hearings or the  
11 Department of Corrections and Rehabilitation finds that there is a  
12 need to protect the life, safety, or well-being of a victim or witness.

13 (g) Notwithstanding any other law, an inmate who is released  
14 on parole for a violation of Section 288 or 288.5 whom the  
15 Department of Corrections and Rehabilitation determines poses a  
16 high risk to the public shall not be placed or reside, for the duration  
17 of his or her parole, within one-half mile of any public or private  
18 school including any or all of kindergarten and grades 1 to 12,  
19 inclusive.

20 (h) Notwithstanding any other law, an inmate who is released  
21 on ~~parole~~ *parole, postrelease community supervision, or mandatory*  
22 *supervision* for an offense involving stalking shall not be returned  
23 to a location within 35 miles of the victim's actual residence or  
24 place of employment if the victim or witness has requested  
25 additional distance in the placement of the inmate on parole,  
26 *postrelease community supervision, or mandatory supervision,*  
27 and if the Board of Parole Hearings or the Department of  
28 Corrections and ~~Rehabilitation~~ *Rehabilitation, or the supervising*  
29 *county agency, as applicable,* finds that there is a need to protect  
30 the life, safety, or well-being of the victim. *If an inmate who is*  
31 *released on postrelease community supervision or mandatory*  
32 *supervision cannot be placed in his or her county of last legal*  
33 *residence in compliance with this subdivision, the supervising*  
34 *county agency may transfer the inmate to another county upon*  
35 *approval of the receiving county.*

36 (i) The authority shall give consideration to the equitable  
37 distribution of parolees and the proportion of out-of-county  
38 commitments from a county compared to the number of  
39 commitments from that county when making parole decisions.

1 (j) An inmate may be paroled to another state pursuant to any  
2 other law. The Department of Corrections and Rehabilitation shall  
3 coordinate with local entities regarding the placement of inmates  
4 placed out of state on postrelease *community* supervision pursuant  
5 to Title 2.05 (commencing with Section 3450).

6 (k) (1) Except as provided in paragraph (2), the Department of  
7 Corrections and Rehabilitation shall be the agency primarily  
8 responsible for, and shall have control over, the program, resources,  
9 and staff implementing the Law Enforcement Automated Data  
10 System (LEADS) in conformance with subdivision (e). County  
11 agencies supervising inmates released to postrelease *community*  
12 supervision pursuant to Title 2.05 (commencing with Section 3450)  
13 shall provide any information requested by the department to  
14 ensure the availability of accurate information regarding inmates  
15 released from state prison. This information may include the  
16 issuance of warrants, revocations, or the termination of postrelease  
17 *community* supervision. On or before August 1, 2011, county  
18 agencies designated to supervise inmates released to postrelease  
19 *community* supervision shall notify the department that the county  
20 agencies have been designated as the local entity responsible for  
21 providing that supervision.

22 (2) Notwithstanding paragraph (1), the Department of Justice  
23 shall be the agency primarily responsible for the proper release of  
24 information under LEADS that relates to fingerprint cards.

25 (l) In addition to the requirements under subdivision (k), the  
26 Department of Corrections and Rehabilitation shall submit to the  
27 Department of Justice data to be included in the supervised release  
28 file of the California Law Enforcement Telecommunications  
29 System (CLETS) so that law enforcement can be advised through  
30 CLETS of all persons on postrelease community supervision and  
31 the county agency designated to provide supervision. The data  
32 required by this subdivision shall be provided via electronic  
33 transfer.

34 SEC. 2. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

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