

AMENDED IN ASSEMBLY MARCH 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 231

Introduced by Assembly Member Eggman

February 4, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 231, as amended, 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.

1 (4) The existence of family in another county with whom the
2 inmate has maintained strong ties and whose support would
3 increase the chance that the inmate's parole would be successfully
4 completed.

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

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

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

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

23 (A) Last, first, and middle ~~name~~; *names*.

24 (B) Birth date.

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

26 (D) Date of parole or placement on postrelease community
27 supervision and discharge.

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

30 (F) California Criminal Information Number, FBI number, social
31 security number, and driver's license number.

32 (G) County of commitment.

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

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

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

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

40 (ii) City and ZIP Code.

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

1 (5) The unauthorized release or receipt of the information
2 described in this subdivision is a violation of Section 11143.

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

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

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

38 (i) The authority shall give consideration to the equitable
39 distribution of parolees and the proportion of out-of-county

1 commitments from a county compared to the number of
2 commitments from that county when making parole decisions.

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

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

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

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

36 SEC. 2. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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