

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY JANUARY 13, 2016

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 898**

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**Introduced by Assembly Member Gonzalez**

February 26, 2015

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An act to amend Section 3042 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 898, as amended, Gonzalez. Parole suitability: notice.

Existing law requires the Board of Parole Hearings to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. If the inmate was convicted of the murder of a peace officer, existing law also requires notice to be provided to the law enforcement agency that employed the peace officer.

This bill would, in the case of an inmate who was convicted of the murder of a firefighter, require the board *or the Department of Corrections and Rehabilitation* to provide notice of the parole suitability hearing to the fire department that employed the firefighter, if that fire department registers with the board to receive that notification and provides the appropriate contact information.

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

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

1 SECTION 1. Section 3042 of the Penal Code, as amended by  
2 Section 6 of Chapter 470 of the Statutes of 2015, is amended to  
3 read:

4 3042. (a) (1) At least 30 days before the Board of Parole  
5 Hearings meets to review or consider the parole suitability of any  
6 inmate sentenced to a life sentence, the board shall send written  
7 notice thereof to each of the following persons: the judge of the  
8 superior court before whom the inmate was tried and convicted,  
9 the attorney who represented the defendant at trial, the district  
10 attorney of the county in which the offense was committed, the  
11 law enforcement agency that investigated the case, and if the inmate  
12 was convicted of the murder of a peace officer, the law enforcement  
13 agency that employed the peace officer at the time of the murder.

14 (2) If the inmate was convicted of the murder of a firefighter,  
15 the board *or the Department of Corrections and Rehabilitation*  
16 shall also send the written notice described in paragraph (1) to the  
17 fire department that employed the firefighter at the time of the  
18 murder, if that fire department registers with the board to receive  
19 that notification and provides the appropriate contact information.

20 (b) The Board of Parole Hearings shall record all of those  
21 hearings and transcribe recordings of those hearings within 30  
22 days of any hearing. Those transcripts, including the transcripts  
23 of all prior hearings, shall be filed and maintained in the office of  
24 the Board of Parole Hearings and shall be made available to the  
25 public no later than 30 days from the date of the hearing. An inmate  
26 shall not be released on parole until 60 days from the date of the  
27 hearing have elapsed.

28 (c) At any hearing, the presiding hearing officer shall state his  
29 or her findings and supporting reasons on the record.

30 (d) Any statements, recommendations, or other materials  
31 considered shall be incorporated into the transcript of the hearing,  
32 unless the material is confidential in order to preserve institutional  
33 security and the security of others who might be endangered by  
34 disclosure.

35 (e) (1) The written notice to the judge of the superior court  
36 before whom the inmate was tried and convicted shall be sent by  
37 United States mail.

1 (2) The judge receiving this written notice may forward to the  
2 board any unprivileged information from the trial or sentencing  
3 proceeding regarding the inmate, witnesses, or victims, or other  
4 relevant persons, or any other information, that is pertinent to the  
5 question of whether the board should grant parole or under what  
6 conditions parole should be granted. The judge may also, in his or  
7 her discretion, include information given to him or her by victims,  
8 witnesses, or other persons that bear on the question of the inmate's  
9 suitability for parole.

10 (3) The board shall review and consider all information received  
11 from the judge or any other person and shall consider adjusting  
12 the conditions of parole to reflect the comments or concerns raised  
13 by this information, as appropriate.

14 (f) This section does not limit the type or content of information  
15 the judge or any other person may forward to the board for  
16 consideration under any other law.

17 (g) Any person who receives notice under subdivision (a) who  
18 is authorized to forward information for consideration in a parole  
19 suitability hearing for a person sentenced to a life sentence under  
20 this section, may forward that information either by facsimile or  
21 electronic mail. The Department of Corrections and Rehabilitation  
22 shall establish procedures for receiving the information by facsimile  
23 or electronic mail pursuant to this subdivision.