

**ASSEMBLY BILL**

**No. 920**

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**Introduced by Assembly Member Gipson**

February 26, 2015

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An act to amend Section 3043 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 920, as introduced, Gipson. Parole: information to victims.

Existing law, added by Proposition 8, approved by the voters at the June 8, 1982, statewide primary election and amended by Proposition 9, approved by the voters at the November 4, 2008, statewide general election, requires the Board of Parole Hearings, upon request, to notify the victim, or next of kin of the victim, of any crime committed by a prisoner, of any hearing to review or consider the parole suitability or the setting of a parole date for that prisoner. Existing law also provides the victim, the victim's next of kin, members of the victim's family, and 2 representatives to appear, personally or by counsel, at the hearing and to make a statement, as prescribed. Proposition 8 provides that this statutory provision shall not be amended by the Legislature except by a statute passed in each house by rollcall vote,  $\frac{2}{3}$  of the membership concurring, or by a statute approved by the voters. Proposition 9 provides that the statutory provisions of that act may not be amended by the Legislature, except by a statute passed in each house by rollcall vote,  $\frac{3}{4}$  of the membership of each house concurring, or by a statute approved by the voters. However, the Legislature may amend those provisions by a majority vote of the membership of each house to expand the scope of those provisions or to further the rights of victims of crimes.

This bill would authorize the victim or victim's next of kin to request to review all information in the prisoner's central file that is not

confidential and to be provided a copy of the board packet within 30 days prior to the date selected for the hearing. The bill would authorize the victim or the victim's next of kin to submit relevant documents related to any subject about which the victim or his or her next of kin has the right to be heard, including recommendations regarding the grant of parole, and would require the submission of information not in the central file or board packet to the department no later than 10 days prior to the hearing.

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 3043 of the Penal Code is amended to  
2 read:

3 3043. (a) (1) Upon request to the Department of Corrections  
4 and Rehabilitation and verification of the identity of the requester,  
5 notice of ~~any~~ a hearing to review or consider the parole suitability  
6 or the setting of a parole date for any prisoner in a state prison  
7 shall be given by telephone, certified mail, regular mail, or  
8 electronic mail, using the method of communication selected by  
9 the requesting party, if that method is available, by the Board of  
10 Parole Hearings at least 90 days before the hearing to ~~any~~ a victim  
11 of ~~any~~ a crime committed by the prisoner, or to the next of kin of  
12 the victim if the victim has died, to include the commitment crimes,  
13 determinate term commitment crimes for which the prisoner has  
14 been paroled, and any other felony crimes or crimes against the  
15 person for which the prisoner has been convicted. The requesting  
16 party shall keep the board apprised of his or her current contact  
17 information in order to receive the notice.

18 (2) No later than 30 days prior to the date selected for the  
19 hearing, ~~any~~ a person, other than the victim, entitled to attend the  
20 hearing shall inform the board of his or her intention to attend the  
21 hearing and the name and identifying information of any other  
22 person entitled to attend the hearing who will accompany him or  
23 her.

24 (3) No later than 14 days prior to the date selected for the  
25 hearing, the board shall notify every person entitled to attend the  
26 hearing confirming the date, time, and place of the hearing.

1 (b) (1) The victim, next of kin, members of the victim's family,  
2 and two representatives designated as provided in paragraph (2)  
3 ~~of this subdivision~~ have the right to appear, personally or by  
4 counsel, at the hearing and to adequately and reasonably express  
5 his, her, or their views concerning the prisoner and the case,  
6 including, but not limited to the commitment crimes, determinate  
7 term commitment crimes for which the prisoner has been paroled,  
8 any other felony crimes or crimes against the person for which the  
9 prisoner has been convicted, the effect of the enumerated crimes  
10 on the victim and the family of the victim, the person responsible  
11 for these enumerated crimes, and the suitability of the prisoner for  
12 parole.

13 (2) ~~Any~~ A statement provided by a representative designated  
14 by the victim or next of kin may cover any subject about which  
15 the victim or next of kin has the right to be heard including any  
16 recommendation regarding the granting of parole. The  
17 representatives shall be designated by the victim or, in the event  
18 that the victim is deceased or incapacitated, by the next of kin.  
19 They shall be designated in writing for the particular hearing prior  
20 to the hearing.

21 (c) *The victim or victim's next of kin may request to review all*  
22 *information in the prisoner's central file that is not confidential*  
23 *and to be provided a copy of the board packet within 30 days prior*  
24 *to the date selected for the hearing. The victim or the victim's next*  
25 *of kin may submit relevant documents related to any subject about*  
26 *which the victim or his or her next of kin has the right to be heard,*  
27 *including recommendations regarding the grant of parole. In*  
28 *addition to the statement authorized by Section 3043.2, information*  
29 *that the victim or his or her next of kin possesses that is not*  
30 *available in the central file or board packet shall be submitted in*  
31 *writing to the department no later than 10 days before the hearing.*

32 (e)

33 (d) A representative designated by the victim or the victim's  
34 next of kin for purposes of this section may be any adult person  
35 selected by the victim or the family of the victim. The board shall  
36 permit a representative designated by the victim or the victim's  
37 next of kin to attend a particular hearing, to provide testimony at  
38 a hearing, and to submit a statement to be included in the hearing  
39 as provided in Section 3043.2, even though the victim, next of kin,  
40 or a member of the victim's immediate family is present at the

1 hearing, and even though the victim, next of kin, or a member of  
2 the victim’s immediate family has submitted a statement as  
3 described in Section 3043.2.

4 ~~(d)~~

5 (e) The board, in deciding whether to release the person on  
6 parole, shall consider the entire and uninterrupted statements of  
7 the victim or victims, next of kin, immediate family members of  
8 the victim, and the designated representatives of the victim or next  
9 of kin, if applicable, made pursuant to this section and shall include  
10 in its report a statement *as to* whether the person would pose a  
11 threat to public safety if released on parole.

12 ~~(e)~~

13 (f) In those cases where there are more than two immediate  
14 family members of the victim who wish to attend ~~any~~ a hearing  
15 covered in this section, the board shall allow attendance of  
16 additional immediate family members to include the following:  
17 spouse, children, parents, siblings, grandchildren, and grandparents.