

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 920

Introduced by Assembly Member Gipson

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 920, as amended, 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, when notification has been requested by the victim or the victim’s next of kin, would authorize the victim, the victim’s next of kin, or the victim’s attorney to request to be provided a copy of the board packet and would require that information to be provided at the same time it is provided to the district attorney. The bill would require ~~the victim, victim’s next of kin, and the victim’s attorney to protect the confidentiality of any confidential information in the board packet~~ *board to redact any confidential information contained in the board packet before providing it to the victim, the victim’s next of kin, or the victim’s attorney.* 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 a hearing to review or consider the parole suitability or
 6 the setting of a parole date for any prisoner in a state prison shall
 7 be given by telephone, certified mail, regular mail, or electronic
 8 mail, using the method of communication selected by the
 9 requesting party, if that method is available, by the Board of Parole
 10 Hearings at least 90 days before the hearing to a victim of a crime
 11 committed by the prisoner, or to the next of kin of the victim if
 12 the victim has died, to include the commitment crimes, determinate
 13 term commitment crimes for which the prisoner has been paroled,
 14 and any other felony crimes or crimes against the person for which
 15 the prisoner has been convicted. The requesting party shall keep
 16 the board apprised of his or her current contact information in
 17 order to receive the notice.

1 (2) No later than 30 days prior to the date selected for the
2 hearing, a person, other than the victim, entitled to attend the
3 hearing shall inform the board of his or her intention to attend the
4 hearing and the name and identifying information of any other
5 person entitled to attend the hearing who will accompany him or
6 her.

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

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

21 (2) A statement provided by a representative designated by the
22 victim or next of kin may cover any subject about which the victim
23 or next of kin has the right to be heard including any
24 recommendation regarding the granting of parole. The
25 representatives shall be designated by the victim or, in the event
26 that the victim is deceased or incapacitated, by the next of kin.
27 They shall be designated in writing for the particular hearing prior
28 to the hearing.

29 (c) (1) When notification has been requested pursuant to
30 subdivision (a), a victim, the victim's next of kin, or the victim's
31 attorney may request to be provided a copy of the board packet.
32 The requested board packet shall be provided at the same time as
33 that information is provided to the district attorney. ~~To the extent~~
34 ~~that any confidential information is included in the board packet,~~
35 ~~the victim, victim's next of kin, or the victim's lawyer shall protect~~
36 ~~the confidentiality of that information.~~ *The board shall redact any*
37 *confidential information contained in the board packet before*
38 *providing it to the victim, the victim's next of kin, or the victim's*
39 *attorney.*

1 (2) The victim or the victim’s next of kin may submit relevant
2 documents related to any subject about which the victim or his or
3 her next of kin has the right to be heard, including
4 recommendations regarding the grant of parole. In addition to the
5 statement authorized by Section 3043.2, information that the victim
6 or his or her next of kin possesses that is not available in the central
7 file or board packet shall be submitted in writing to the department
8 no later than 10 days before the hearing.

9 (d) A representative designated by the victim or the victim’s
10 next of kin for purposes of this section may be any adult person
11 selected by the victim or the family of the victim. The board shall
12 permit a representative designated by the victim or the victim’s
13 next of kin to attend a particular hearing, to provide testimony at
14 a hearing, and to submit a statement to be included in the hearing
15 as provided in Section 3043.2, even though the victim, next of kin,
16 or a member of the victim’s immediate family is present at the
17 hearing, and even though the victim, next of kin, or a member of
18 the victim’s immediate family has submitted a statement as
19 described in Section 3043.2.

20 (e) The board, in deciding whether to release the person on
21 parole, shall consider the entire and uninterrupted statements of
22 the victim or victims, next of kin, immediate family members of
23 the victim, and the designated representatives of the victim or next
24 of kin, if applicable, made pursuant to this section and shall include
25 in its report a statement as to whether the person would pose a
26 threat to public safety if released on parole.

27 (f) In those cases where there are more than two immediate
28 family members of the victim who wish to attend a hearing covered
29 in this section, the board shall allow attendance of additional
30 immediate family members to include the following: spouse,
31 children, parents, siblings, grandchildren, and grandparents.