

AMENDED IN ASSEMBLY MAY 28, 2015

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 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.
- 18 (2) No later than 30 days prior to the date selected for the
- 19 hearing, a person, other than the victim, entitled to attend the
- 20 hearing shall inform the board of his or her intention to attend the

1 hearing and the name and identifying information of any other
2 person entitled to attend the hearing who will accompany him or
3 her.

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

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

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

26 (c) ~~(1)~~—When notification has been requested pursuant to
27 subdivision (a), ~~a victim, the victim's next of kin, or the victim's~~
28 ~~attorney may request to be provided a copy of the board packet.~~
29 ~~The requested board packet shall be provided at the same time as~~
30 ~~that information is provided to the district attorney. The board~~
31 ~~shall redact any confidential information contained in the board~~
32 ~~packet before providing it to the victim, the victim's next of kin,~~
33 ~~or the victim's attorney.~~

34 ~~(2) The victim or the victim's next of kin may submit relevant~~
35 ~~documents related to any subject about which the victim or his or~~
36 ~~her next of kin has the right to be heard, including~~
37 ~~recommendations regarding the grant of parole. In addition to the~~
38 ~~statement authorized by Section 3043.2, information that the victim~~
39 ~~or his or her next of kin possesses that is not available in the central~~

1 ~~file or board packet shall be submitted in writing to the department~~
2 ~~no later than 10 days before the hearing.~~

3 (d) A representative designated by the victim or the victim's
4 next of kin for purposes of this section may be any adult person
5 selected by the victim or the family of the victim. The board shall
6 permit a representative designated by the victim or the victim's
7 next of kin to attend a particular hearing, to provide testimony at
8 a hearing, and to submit a statement, *which may include*
9 *substantiating references to the board packet*, to be included in
10 the hearing as provided in Section 3043.2, even though the victim,
11 next of kin, or a member of the victim's immediate family is
12 present at the hearing, and even though the victim, next of kin, or
13 a member of the victim's immediate family has submitted a
14 statement as described in Section 3043.2.

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

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