

AMENDED IN SENATE SEPTEMBER 1, 2015

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~~ *add* Section ~~3043~~ of 4025.5 to the Penal Code, relating to ~~parole~~. *jails*.

LEGISLATIVE COUNSEL'S DIGEST

AB 920, as amended, Gipson. ~~Parole: information to victims. Jails:~~ *county inmate welfare funds.*

Existing law authorizes the sheriff of each county to maintain an inmate welfare fund to be kept in the treasury of the county into which profit from a store operated in connection with the county jail, 10% of all gross sales of inmate hobbycraft, and any rebates or commissions received from a telephone company, as specified, are required to be deposited. Existing law authorizes the sheriff to expend money from the fund to assist indigent inmates, prior to release, with clothes and transportation expenses, as specified. Existing law authorizes inmate welfare funds to be used to augment county expenses determined by the sheriff to be in the best interests of the inmates, and requires the sheriff to submit an itemized report of those expenditures annually to the board of supervisors.

This bill would create a program that authorizes the sheriff or county officer responsible for operating jails of certain counties to spend money from the inmate welfare fund for the purpose of assisting indigent inmates with the reentry process within 30 days after the inmate's release from the county jail or other adult detention facility. The bill would specify that the assistance provided may include work placement, counseling, obtaining proper identification, education, and housing. The bill would specify that money from the inmate welfare fund shall not be used under the program to provide services that are required to be provided by the sheriff or county, as specified. The bill would require, if a county elects to participate in the pilot program, a county sheriff or county officer responsible for operating a jail to include specified additional information in the itemized report of expenditures to the board of supervisors, including the number of inmates the program served.

This bill would make legislative findings and declarations as to the necessity of a special statute for the counties described above.

~~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 rolleall 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 rolleall 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'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:

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

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

1 SECTION 1. Section 4025.5 is added to the Penal Code, to
2 read:

3 4025.5. (a) There is hereby created a program in the Counties
4 of Alameda, Kern, Los Angeles, Marin, Napa, Orange, Sacramento,
5 San Bernardino, San Francisco, San Diego, San Luis Obispo,
6 Santa Barbara, Santa Clara, Stanislaus, and Ventura. In each
7 county, the sheriff or the county officer responsible for operating
8 the jails may expend money from the inmate welfare fund to provide
9 indigent inmates, after release from the county jail or any other
10 adult detention facility under the jurisdiction of the sheriff or the
11 county officer responsible for operating the jails, assistance with
12 the reentry process within 30 days after the inmate's release. The
13 assistance provided may include work placement, counseling,
14 obtaining proper identification, education, and housing.

15 (b) This section does not authorize money from the inmate
16 welfare fund to be used to provide any services that are required
17 to be provided by the sheriff or the county. Money in the fund shall
18 supplement existing services, and shall not be used to supplant
19 any existing funding for services provided by the sheriff or the
20 county.

21 (c) As part of the itemized report of expenditures required to
22 be submitted to the board of supervisors pursuant to Section 4025,
23 any sheriff or county officer responsible for operating a jail of a
24 county that participates in the program shall include in the report
25 all of the following:

- 26 (1) How much money was spent pursuant to this section.
- 27 (2) The number of inmates the program served.
- 28 (3) The types of assistance for which the funds were used.
- 29 (4) The average length of time an inmate used the program.

30 SEC. 2. The Legislature finds and declares that a special law
31 is necessary and that a general law cannot be made applicable
32 within the meaning of Section 16 of Article IV of the California
33 Constitution because of the unique circumstances in the Counties

1 *of Alameda, Kern, Los Angeles, Marin, Napa, Orange, Sacramento,*
2 *San Bernardino, San Francisco, San Diego, San Luis Obispo,*
3 *Santa Barbara, Santa Clara, Stanislaus, and Ventura.*

4 SECTION 1. ~~Section 3043 of the Penal Code is amended to~~
5 ~~read:~~

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

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

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

30 ~~(b) (1) The victim, next of kin, members of the victim's family,~~
31 ~~and two representatives designated as provided in paragraph (2)~~
32 ~~have the right to appear, personally or by counsel, at the hearing~~
33 ~~and to adequately and reasonably express his, her, or their views~~
34 ~~concerning the prisoner and the case, including, but not limited~~
35 ~~to, the commitment crimes, determinate term commitment crimes~~
36 ~~for which the prisoner has been paroled, any other felony crimes~~
37 ~~or crimes against the person for which the prisoner has been~~
38 ~~convicted, the effect of the enumerated crimes on the victim and~~
39 ~~the family of the victim, the person responsible for these~~
40 ~~enumerated crimes, and the suitability of the prisoner for parole.~~

1 ~~(2) A statement provided by a representative designated by the~~
2 ~~victim or next of kin may cover any subject about which the victim~~
3 ~~or next of kin has the right to be heard including any~~
4 ~~recommendation regarding the granting of parole. The~~
5 ~~representatives shall be designated by the victim or, in the event~~
6 ~~that the victim is deceased or incapacitated, by the next of kin.~~
7 ~~They shall be designated in writing for the particular hearing prior~~
8 ~~to the hearing.~~

9 ~~(e) When notification has been requested pursuant to subdivision~~
10 ~~(a), the victim's attorney may request to be provided a copy of the~~
11 ~~board packet. The requested board packet shall be provided at the~~
12 ~~same time as that information is provided to the district attorney.~~

13 ~~(d) A representative designated by the victim or the victim's~~
14 ~~next of kin for purposes of this section may be any adult person~~
15 ~~selected by the victim or the family of the victim. The board shall~~
16 ~~permit a representative designated by the victim or the victim's~~
17 ~~next of kin to attend a particular hearing, to provide testimony at~~
18 ~~a hearing, and to submit a statement, which may include~~
19 ~~substantiating references to the board packet, to be included in the~~
20 ~~hearing as provided in Section 3043.2, even though the victim,~~
21 ~~next of kin, or a member of the victim's immediate family is~~
22 ~~present at the hearing, and even though the victim, next of kin, or~~
23 ~~a member of the victim's immediate family has submitted a~~
24 ~~statement as described in Section 3043.2.~~

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

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

O