

ASSEMBLY BILL

No. 926

Introduced by Assembly Member Jones-Sawyer

February 26, 2015

An act to add Sections 3000.01 and 3000.02 to the Penal Code, relating to parole, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 926, as introduced, Jones-Sawyer. Parole: Safe Communities Grant Program.

Existing law governs the length and conditions of parole and establishes the Board of Parole Hearings to carry out various duties relating to parole, including conducting parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the Department of Corrections and Rehabilitation, reviewing inmates' requests for reconsideration of the denial of good-time credit and setting of parole length or conditions, and making every order granting and revoking parole and issuing final discharges to any person under the jurisdiction of the department.

This bill would require the department to establish rules and regulations for implementing an earned compliance credit program that would reduce the period of parole supervision of eligible persons, as specified, upon compliance with their parole conditions. The bill would provide that for each full calendar month of compliance with the conditions of parole supervision, earned compliance credits equal to the number of days in that month shall be deducted from the eligible parolee's parole discharge date. The bill would also specify the circumstances under which credits would not accrue, including when a parolee has been arrested for a new offense, except as specified.

The bill would also require the department to provide annually to the Director of Finance and the Legislative Analyst's Office specified data regarding the program, including the number and percentage of parolees who qualified for the earned compliance credit program and the total amount of credits earned by parolees within the year.

The bill would establish the Safe Communities Grant Program to be administered by the Department of Corrections and Rehabilitation in consultation with specified state entities, to allocate moneys to counties, by January 1 of each fiscal year beginning in 2018, to provide support for employment and housing for parolees, as specified.

The bill would also establish the continuously appropriated Safe Communities Grant Program Fund within the State Treasury for purposes of the program. The bill would require, on or before July 31, 2017, and on or before July 31 of each fiscal year thereafter, the Director of Finance to calculate the savings accrued to the state from the implementation of the earned compliance credit program and to certify the results of the calculation to the Controller no later than August 1 of each fiscal year. The bill would require the Controller, before August 31, 2017, and before August 31 of each fiscal year thereafter, to transfer that amount from the General Fund to the Safe Communities Grant Program Fund. The bill would also require, every 2 years, beginning in 2019, the Controller to conduct an audit of the Safe Communities Grant Program Fund to ensure the funds are disbursed and expended solely according to the requirements of the bill and to report his or her findings to the Legislature and make them available to the public. The bill would also require that any costs incurred by the Director of Finance and the Controller in connection with the administration of the Safe Communities Grant Program Fund, including the costs of the required calculation and the audit, be deducted from the Safe Communities Grant Program Fund before the funds are disbursed, as specified.

By establishing the continuously appropriated Safe Communities Grant Program Fund, and by directing the Controller to transfer funds from the General Fund to that fund, the bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 3000.01 is added to the Penal Code, to
2 read:

3 3000.01. (a) For the purposes of this section, the following
4 terms shall have the following meanings:

5 (1) “Department” refers to the Department of Corrections and
6 Rehabilitation.

7 (2) “Parole authority” refers to the Board of Parole Hearings.

8 (b) The department shall establish rules and regulations for
9 implementing an earned compliance credit program that provides
10 eligible parolees the opportunity to reduce their period of parole
11 supervision upon compliance with their parole conditions.

12 (c) The department shall have the authority to award earned
13 compliance credits to eligible parolees who are in compliance with
14 the terms and conditions of parole supervision and who are not
15 subject to mandatory lifetime parole pursuant to Section 3000.1.

16 (1) For each full calendar month of compliance with the
17 conditions of parole supervision, earned compliance credits equal
18 to the number of days in that month shall be deducted from the
19 eligible parolee’s parole discharge date.

20 (2) Earned compliance credits shall accrue for eligible parolees
21 after the first full calendar month of compliance of supervision
22 conditions.

23 (3) Earned compliance credits shall be applied to the parole
24 discharge date within thirty (30) days of the end of the month in
25 which the credits were earned. The department or supervising
26 parole agent shall notify eligible parolees of their respective current
27 parole discharge dates at least every six (6) months.

28 (4) The department or supervising parole agent shall notify the
29 parole authority of the impending discharge within sixty (60) days
30 prior to the date of final discharge. If the time served on parole
31 combined with the earned compliance credits satisfies the terms
32 of parole, the parole authority shall order the final discharge of the
33 parolee.

34 (5) For the purposes of this section, a parolee is deemed to be
35 in compliance with the conditions of parole supervision if there
36 was no violation of the conditions of parole supervision.

37 (d) The following persons shall be eligible to participate in the
38 earned compliance credit program:

1 (1) A person sentenced pursuant to Section 1170 and
2 subsequently paroled pursuant to Section 3000 or 3000.08.

3 (2) A person serving a California sentence for an eligible offense
4 in any jurisdiction pursuant to the Interstate Compact for Adult
5 Offender Supervision.

6 (e) Earned compliance credits shall not accrue in any calendar
7 month in which any of the following circumstances apply:

8 (1) The parolee has absconded from parole supervision.

9 (2) A parole violation report has been submitted by the
10 supervising parole agent. Credits shall not accrue for months
11 between the submission of the report and the final action by the
12 parole authority. If the parole violation is not sustained, the parolee
13 shall be deemed compliant and shall have the lost credits restored,
14 beginning on the first day of the month in which the report was
15 submitted.

16 (3) The parolee has been arrested for a new offense. Credits
17 shall not accrue for months between the arrest and the final
18 outcome of the arrest. If the charges are dropped, dismissed, or
19 the parolee is otherwise absolved, the parolee shall be deemed
20 compliant and shall have the lost credits restored, beginning on
21 the first day of the month in which the arrest occurred.

22 (4) The parolee is serving a term of incarceration for a parole
23 violation or new conviction.

24 (f) The department shall provide annually to the Director of
25 Finance and the Legislative Analyst’s Office the following data:

26 (1) The number and percentage of parolees who qualified for
27 the earned compliance credit program.

28 (2) The total amount of credits earned by parolees within the
29 year.

30 (3) The average amount of credits earned by parolees within
31 the year.

32 SEC. 2. Section 3000.02 is added to the Penal Code, to read:

33 3000.02. (a) The Safe Communities Grant Program Fund is
34 hereby created within the State Treasury and, notwithstanding
35 Section 13340 of the Government Code, is continuously
36 appropriated without regard to fiscal year for carrying out the
37 purposes of this section.

38 (b) On or before July 31, 2017, and on or before July 31 of each
39 fiscal year thereafter, the Director of Finance shall calculate the
40 savings accrued to the state from the implementation of the earned

1 compliance credit program created by Section 3000.01. In making
2 the calculation required by this section, the Director of Finance
3 shall use actual data or best available estimates where actual data
4 is not available. The Director of Finance shall certify the results
5 of the calculation to the Controller no later than August 1 of each
6 fiscal year.

7 (c) Before August 31, 2017, and before August 31 of each fiscal
8 year thereafter, the Controller shall transfer from the General Fund
9 to the Safe Communities Grant Program Fund the total amount
10 calculated pursuant to subdivision (b).

11 (d) There is hereby established the Safe Communities Grant
12 Program which shall be administered by the Department of
13 Corrections and Rehabilitation in consultation with the California
14 Workforce Investment Board, the Employment Development
15 Department, and the Department of Housing and Community
16 Development. In developing the Safe Communities Grant Program,
17 the Department of Corrections and Rehabilitation shall hold a
18 minimum of two public hearings whereby public and private
19 stakeholders, community-based organizations that provide reentry
20 services to state parolees, and other interested parties can provide
21 public comment or submit written public comment on the
22 development and administration of the Safe Communities Grant
23 Program.

24 (e) By January 1 of each fiscal year beginning in 2018, the
25 Department of Corrections and Rehabilitation shall allocate moneys
26 deposited in the Safe Communities Grant Program to counties to
27 support the following purposes:

28 (1) Employment support, including, but not limited to,
29 on-the-job training programs, transitional jobs, and apprenticeships,
30 for persons sentenced pursuant to Section 1170 and subsequently
31 paroled pursuant to Section 3000 or 3000.08.

32 (2) Housing support, including, but not limited to, transitional
33 and supportive housing, for persons sentenced pursuant to Section
34 1170 and subsequently paroled pursuant to Section 3000 or
35 3008.08.

36 (f) (1) Every two years, beginning in 2019, the Controller
37 shall conduct an audit of the Safe Communities Grant Program
38 Fund to ensure the funds are disbursed and expended solely
39 according to this section and shall report his or her findings to the
40 Legislature and make them available to the public.

1 (2) A report required to be submitted pursuant to paragraph (1)
2 shall be submitted in compliance with Section 9795 of the
3 Government Code.

4 (g) Any costs incurred by the Director of Finance and the
5 Controller in connection with the administration of the Safe
6 Communities Grant Program Fund, including the costs of the
7 calculation required by subdivision (b) and the audit required by
8 subdivision (f), shall be deducted from the fund before moneys
9 are disbursed pursuant to subdivision (d).

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