

**ASSEMBLY BILL**

**No. 1213**

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**Introduced by Assembly Member Wagner**  
(Principal coauthor: Senator Bates)

February 27, 2015

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An act to add Chapter 2.7 (commencing with Section 15180) to Part 6 of Division 3 of Title 2 of the Government Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1213, as introduced, Wagner. Offender Global Positioning System Database.

Existing law requires sex offenders to wear global positioning system (GPS) devices while on parole, and requires some of those offenders to wear those devices for life.

This bill would require the Department of Justice to establish an Offender Global Positioning System Database that would receive and store GPS device data for offenders monitored by criminal justice agencies throughout the state. The database would be required, among other capabilities, to receive specified data and to be able to send commands to a GPS device requiring the device to report data and to comply with other functional requirements. The department would be required to provide, at state expense, connections to the database to one sheriff's system and one probation department system in each county for purposes of submitting data to the database.

By imposing additional duties on local law enforcement agencies in connection with the operation of the GPS database, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Chapter 2.7 (commencing with Section 15180)  
2 is added to Part 6 of Division 3 of Title 2 of the Government Code,  
3 to read:

4  
5 CHAPTER 2.7. OFFENDER GLOBAL POSITIONING SYSTEM  
6 DATABASE  
7

8 15180. It is the intent of the Legislature to provide for a  
9 statewide database to receive and house all Global Positioning  
10 System (GPS) device data for offenders monitored by criminal  
11 justice agencies throughout the state. Developing and implementing  
12 this database is a matter of public safety and statewide importance.  
13 Presently there is no ability for criminal justice agencies to access  
14 each other's GPS device data to determine if an offender placed  
15 on GPS by one entity is in the proximity of another offender  
16 monitored by a different entity. A GPS database that can be  
17 accessed by criminal justice agencies will enhance supervision  
18 practices, promote rehabilitative services, assist investigations and  
19 ensure offender accountability and community safety.

20 15181. The Department of Justice shall implement, operate,  
21 and maintain the Offender Global Positioning System Database  
22 for the use of criminal justice agencies.

23 15182. As used in this chapter, the following terms are defined  
24 below:

25 (a) "Alert" means a notification from the database to the  
26 monitoring agency or user.

27 (b) "Database" means the Offender Global Positioning System  
28 Database as described in this chapter.

1 (c) “Global Positioning System device” or “GPS device” means  
2 a device that uses signals from satellites to determine an offender’s  
3 physical location with a high degree of accuracy.

4 (d) “Monitoring agency” means the criminal justice agency  
5 responsible, pursuant to statute or court order, for monitoring an  
6 offender.

7 (e) “Offender” means any person convicted of a crime and who  
8 is subject to GPS device monitoring by a criminal justice agency.

9 (f) “Reporting cycle” means the specified minimum interval at  
10 which a GPS device is to transmit data to the database.

11 (g) “User” means a criminal justice agency with a data  
12 connection to the database.

13 15183. (a) On or before January 1, \_\_\_\_\_, the Department  
14 of Justice shall develop functional specifications and standards for  
15 offender GPS devices in compliance with the following objectives:

16 (1) The GPS device shall transmit GPS data information to the  
17 database at a specified reporting cycle. The GPS data information  
18 transmitted to the database shall include the following data  
19 elements:

20 (A) Latitude.

21 (B) Longitude.

22 (C) The offender’s full name.

23 (D) The offender’s date of birth.

24 (E) The monitoring entity’s contact information.

25 (F) The GPS device identification number.

26 (2) The GPS device shall be capable of receiving commands  
27 from the database to transmit the data information identified in  
28 paragraph (1) regardless of the device’s reporting cycle.

29 (b) On or before January 1, \_\_\_\_\_, the Department of Justice  
30 shall develop functional specifications and standards for the  
31 database in compliance with the following objectives:

32 (1) The database shall receive information from GPS devices  
33 to include the data elements in paragraph (1) of subdivision (a).

34 (2) The database shall permit users to track and view offender’s  
35 proximity to other offenders.

36 (3) The database shall permit users to create and use offender  
37 monitoring alert zones. These zones which are electronically  
38 demarcated during GPS monitoring, are as follows:

1 (A) An “inclusion zone” is a geographic area within which it is  
2 appropriate for an offender to be present. If the offender leaves  
3 this zone, an alert shall occur.

4 (B) An “exclusion zone” is a geographic area within which an  
5 offender is not permitted. If the offender enters this zone, an alert  
6 shall occur.

7 (C) An “investigation zone” is a specialized geographic area  
8 created by the monitoring agency or user where, if specified criteria  
9 are met, an alert shall occur.

10 (4) The database shall permit users to send a command to a GPS  
11 device or multiple GPS devices to transmit the data information  
12 identified in paragraph (1) of subdivision (a), regardless of the  
13 device’s reporting cycle.

14 (5) The database shall permit users to determine if one or more  
15 offenders are, or were, at or near a particular location during a  
16 specified time frame.

17 (c) The Department of Justice shall consult with the following  
18 entities and groups when developing the functional specifications  
19 and standards set forth in subdivisions (a) and (b):

20 (1) The Department of Corrections and Rehabilitation.

21 (2) Chief Probation Officers of California.

22 (3) The California Probation, Parole, and Correctional  
23 Association.

24 (4) The California Police Chiefs Association.

25 (5) The California Peace Officers’ Association.

26 (6) GPS device industry representatives.

27 (d) Each entity and group listed in subdivision (c) may designate  
28 a representative to work with the Department of Justice to develop  
29 the functional specifications and standards set forth in subdivisions  
30 (a) and (b).

31 (e) Criminal justice agencies that use GPS devices for  
32 monitoring offenders shall have the ability to select from different  
33 manufacturers and vendors, in accordance with any contracting  
34 policies, rules, and regulations governing their authority to contract  
35 for those services. The functional specifications and standards  
36 shall encourage multiple bidders and shall not have the effect of  
37 limiting the criminal justice agencies to choosing a GPS device  
38 that is able to be supplied by only one manufacturer or vendor.

39 (f) Except as provided in subdivision (g), a GPS device  
40 purchased or used for GPS monitoring of offenders in this state

1 shall comply with the functional specifications and standards  
2 developed pursuant to subdivision (a).

3 (g) Subdivision (f) does not apply to any GPS devices purchased  
4 and used to monitor offenders pursuant to a contract entered into  
5 before January 1, \_\_\_\_.

6 (h) On a triennial basis, following implementation of the  
7 functional specifications and standards for GPS devices and the  
8 database, the Department of Justice shall consult with the entities  
9 and groups identified in subdivision (c) to determine if there are  
10 any improvements to the functional specifications and standards  
11 for GPS devices and the database needed to meet the needs of law  
12 enforcement and to take advantage of advancements in GPS  
13 monitoring. The database shall be designed to accommodate  
14 present and future data-processing equipment.

15 15184. The Department of Justice shall provide, at state  
16 expense, connections to the database to one sheriff's system and  
17 one probation department system in each county, hereinafter the  
18 "county systems." Before providing the county systems with  
19 connections to the database, the Department of Justice shall adopt  
20 and publish for distribution, the operating policies, practices, and  
21 procedures for the database, and the security requirements for  
22 county systems connecting to the database.

23 SEC. 2. If the Commission on State Mandates determines that  
24 this act contains costs mandated by the state, reimbursement to  
25 local agencies and school districts for those costs shall be made  
26 pursuant to Part 7 (commencing with Section 17500) of Division  
27 4 of Title 2 of the Government Code.