

AMENDED IN ASSEMBLY JANUARY 4, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 614

Introduced by Assembly Member Aguiar

February 17, 1995

~~An act to amend Section 6250 of, and to add Article 4 (commencing with Section 6600) to Chapter 2 of Part 2 of Division 6 of, the Welfare and Institutions Code, relating to sexual predators. An act to amend Section 3003 of the Penal Code, relating to prisoners.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 614, as amended, Aguiar. ~~Sexually violent predators~~
Prisoners: parole.

(1) Existing law requires the Board of Prison Terms or the Department of Corrections, when releasing an inmate on parole, to return the inmate to the county from which he or she was committed, but permits the inmate to be returned to another county if that would be in the best interests of the public and the inmate.

This bill instead would require the board or the department to return the inmate to the county from which he or she was committed if that county was the last legal residence of the inmate prior to his or her incarceration, but would permit the inmate to be returned to another county if that would be in the best interests of the public.

(2) Under existing law, if the Board of Prison Terms or the Department of Corrections decides to return an inmate to

another county, the agency making this decision is required to place its reasons in writing in the parolee's permanent record.

This bill would additionally require the agency to include these reasons in the notice to the sheriff or chief of police authorized to receive notice of the inmate's release.

~~Existing law sets forth specified punishments for sex crimes, including, among others, rape, sodomy, oral copulation, penetration with a foreign object, and lewd and lascivious conduct.~~

~~This bill would provide that whenever the Director of Corrections determines that an individual who is under the jurisdiction of the Department of Corrections may be a sexually violent predator, he or she shall, at least 6 months prior to that individual's scheduled date for release from prison or termination of parole, refer the person for evaluation and, under specified circumstances, request that a petition for commitment be filed, and the proceedings be handled, by either the district attorney or the county counsel of the county in which the person was convicted of the offense for which he or she is under the jurisdiction of the Department of Corrections.~~

~~This bill would impose a state-mandated local program by requiring the district attorney or county counsel to file, and handle all proceedings relating to, petitions for commitment.~~

~~This bill would set forth procedures and standards for the review of the petition for commitment and would provide that a person who is the subject of the petition is entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and access to all relevant medical and psychological records and reports.~~

~~This bill would require a court or jury to determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court would be required to direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole. If the court or~~



~~jury determines that the person is a sexually violent predator, the person would be committed to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health that is located on the grounds of an institution under the jurisdiction of the Department of Corrections until his or her mental abnormality or personality disorder has so changed that he or she is not likely to commit an act of sexual violence.~~

~~This bill would require annual evaluations of those individuals committed as sexually violent predators.~~

~~The bill also would set forth procedures and standards for requesting and hearing petitions for conditional and unconditional release.~~

~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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-no.~~

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

- 1 ~~SECTION 1.—The Legislature finds and declares that~~
- 2 ~~SECTION 1. Section 3003 of the Penal Code is~~
- 3 ~~amended to read:~~
- 4 ~~3003. (a) Except as otherwise provided in this~~
- 5 ~~section, an inmate who is released on parole shall be~~
- 6 ~~returned to the county from which he or she was~~
- 7 ~~committed if that county was the last legal residence of~~
- 8 ~~the inmate prior to his or her incarceration.~~
- 9 ~~For purposes of this subdivision, “county from which he~~
- 10 ~~or she was committed” means the county where the~~



1 ~~crime for which the inmate was convicted occurred and~~
2 *“last legal residence”* shall not be construed to mean the
3 county wherein the inmate committed an offense while
4 confined in a state prison *or local jail* facility or while
5 confined for treatment in a state hospital.

6 (b) Notwithstanding subdivision (a), an inmate may
7 be returned to another county if that would be in the best
8 interests of the public ~~and of the parolee~~. If the Board of
9 Prison Terms setting the conditions of parole for inmates
10 sentenced pursuant to subdivision (b) of Section 1168, or
11 the Department of Corrections setting the conditions of
12 parole for inmates sentenced pursuant to Section 1170,
13 decides on a return to another county, it shall place its
14 reasons in writing in the parolee’s permanent record *and*
15 *include these reasons in the notice to the sheriff or chief*
16 *of police pursuant to Section 3058.6*. In making its
17 decision, the paroling authority ~~may~~ *shall* consider,
18 among others, the following factors, giving the greatest
19 weight to the protection of the victim and the safety of the
20 community:

21 (1) The need to protect the life or safety of a victim,
22 the parolee, a witness, or any other person.

23 (2) Public concern that would reduce the chance that
24 the inmate’s parole would be successfully completed.

25 (3) The verified existence of a work offer, or an
26 educational or vocational training program.

27 ~~(4) The last legal residence of the inmate was in~~
28 ~~another county.~~

29 ~~(5) The existence of family in another county with~~
30 ~~whom the inmate has maintained strong ties and whose~~
31 ~~support would increase the chance that the inmate’s~~
32 ~~parole would be successfully completed.~~

33 ~~(6)~~
34 (5) The lack of necessary outpatient treatment
35 programs for parolees receiving treatment pursuant to
36 Section 2960.

37 (c) The Department of Corrections, in determining
38 an out-of-county commitment, shall give priority to the
39 safety of the community and any witnesses and victims.



1 (d) In making its decision about an inmate who
2 participated in a joint venture program pursuant to
3 Article 1.5 (commencing with Section 2717.1) of Chapter
4 5, the paroling authority shall give serious consideration
5 to releasing him or her to the county where the joint
6 venture program employer is located if that employer
7 states to the paroling authority that he or she intends to
8 employ the inmate upon release.

9 (e) (1) The Department of Corrections shall establish
10 a pilot project in San Bernardino County in which the
11 following information, if available, shall be released to the
12 local law enforcement agencies regarding a paroled
13 inmate who is released in San Bernardino County:

14 (A) Last, first, and middle name.

15 (B) Birth date.

16 (C) Sex, race, height, weight, and hair and eye color.

17 (D) Date of parole and discharge.

18 (E) Registration status if the inmate is required to
19 register as a result of a controlled substance, sex, or arson
20 offense.

21 (F) California Criminal Information Number, FBI
22 number, social security number, and driver's license
23 number.

24 (G) County of commitment.

25 (H) A description of scars, marks, and tattoos on the
26 inmate.

27 (I) Offense or offenses for which the inmate was
28 convicted that resulted in parole in this instance.

29 (J) Address, including all of the following information:

30 (i) Street name and number. Post office box numbers
31 are not acceptable for purposes of this subparagraph.

32 (ii) City and ZIP Code.

33 (iii) Date the address as provided pursuant to this
34 subparagraph was last verified.

35 (K) Contact officer and unit, including all of the
36 following information:

37 (i) Name and telephone number of each contact
38 officer.



1 (ii) Contact unit type of each contact officer such as
2 units responsible for parole, registration, or county
3 probation.

4 (2) The information required by this subdivision shall
5 come from the parolee activity report and sex registrants
6 file. The information obtained from each source shall be
7 based on the same timeframe.

8 (3) All of the information required by this subdivision
9 shall be provided utilizing a computer-to-computer
10 transfer in a format usable by a desktop computer system.
11 The transfer of this information shall be done by modem
12 or tape transfer at least once each month.

13 (4) The unauthorized release or receipt of the
14 information described in this subdivision is a violation of
15 Section 11143.

16 (5) The San Bernardino County Sheriff's Department
17 shall provide a project evaluation to the Department of
18 Corrections at least once per month. The information
19 shall be provided in a form available for transfer by
20 modem or tape.

21 (6) The Department of Corrections shall prepare and
22 submit to the Legislature on or before June 30, 1996, a
23 report on the pilot project that includes a
24 recommendation on whether the pilot project should be
25 expanded and an evaluation of the resources necessary to
26 expand the project statewide. In preparing the report,
27 the department shall consult with the San Bernardino
28 County Sheriff's Department, the Los Angeles City
29 Police Department, and the Long Beach City Police
30 Department in order to receive their input regarding the
31 feasibility of expanding the project statewide.

32 (7) The Office of Criminal Justice Planning shall
33 investigate the availability of funding necessary to
34 implement the project statewide, with particular
35 emphasis on any federal funding that may be available.

36 (f) Notwithstanding any other law, an inmate who is
37 released on parole shall not be returned to a location
38 within 35 miles of the actual residence of a victim of, or
39 a witness to, a violent felony as defined in paragraphs (1)
40 to (7), inclusive, of subdivision (c) of Section 667.5 or a



1 felony in which the defendant inflicts great bodily injury
2 on any person other than an accomplice that has been
3 charged and proved as provided for in Section 12022.7 or
4 12022.9, if the victim or witness has requested additional
5 distance in the placement of the inmate on parole, and if
6 the Board of Prison Terms or the Department of
7 Corrections finds that there is a need to protect the life,
8 safety, or well-being of a victim or witness.

9 (g) The authority shall give consideration to the
10 equitable distribution of parolees and the proportion of
11 out-of-county commitments from a county compared to
12 the number of commitments from that county when
13 making parole decisions.

14 (h) An inmate may be paroled to another state
15 pursuant to any other law.

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Assembly February 17, 1995. (JR 11)**

