

AMENDED IN SENATE JULY 2, 1996
AMENDED IN ASSEMBLY MAY 6, 1996
AMENDED IN ASSEMBLY MARCH 28, 1996
AMENDED IN ASSEMBLY MARCH 18, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2284

Introduced by Assembly Member Boland

February 14, 1996

An act to amend Section 2933 of, and to add Section 3067 to, the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2284, as amended, Boland. Parole.

Under existing law, a sentence or imprisonment imposed on a criminal defendant includes a period of parole. If an inmate was sentenced pursuant to an indeterminate sentencing scheme, he or she is eligible for parole after serving 3 years of the sentence. If the inmate was given a determinate sentence, he or she generally is eligible for parole at the expiration of a term of incarceration of one year and one day, or at the expiration of a term reduced for good time or work credits.

~~This bill would declare instead that parole is a privilege, not a right. The bill would state the intent of the Legislature that, for any inmate who committed a crime on or after January 1, 1997, parole be granted only on a conditional basis. The bill would provide that, regardless of the amount of credit that an~~

~~inmate has earned towards reducing his or her sentence, if an inmate who committed a crime on or after January 1, 1997, is otherwise eligible for parole, he or she shall not be released on parole unless he or she agrees, require any inmate who is eligible for release on parole for an offense committed on or after January 1, 1997, to agree in writing, to be subject to search or seizure by a peace officer or a parole officer at any time of the day or night, with or without a search warrant and with or without cause. The bill would state that it is not the intent of the Legislature to authorize law enforcement officers to conduct searches for the sole purpose of harassment.~~

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 2933 of the Penal Code is
2 amended to read:
3 2933. (a) It is the intent of the Legislature that
4 persons convicted of a crime and sentenced to the state
5 prison under Section 1170 serve the entire sentence
6 imposed by the court, except for a reduction in the time
7 served in the custody of the Director of Corrections for
8 performance in work, training or education programs
9 established by the Director of Corrections. Worktime
10 credits shall apply for performance in work assignments
11 and performance in elementary, high school, or
12 vocational education programs. Enrollment in a two- or
13 four-year college program leading to a degree shall result
14 in the application of time credits equal to that provided
15 in Section 2931. For every six months of full-time
16 performance in a credit qualifying program, as
17 designated by the director, a prisoner shall be awarded
18 worktime credit reductions from his or her term of
19 confinement of six months. A lesser amount of credit
20 based on this ratio shall be awarded for any lesser period
21 of continuous performance. Less than maximum credit
22 should be awarded pursuant to regulations adopted by
23 the director for prisoners not assigned to a full-time credit



1 qualifying program. Every prisoner who refuses to accept
2 a full-time credit qualifying assignment or who is denied
3 the opportunity to earn worktime credits pursuant to
4 subdivision (a) of Section 2932 shall be awarded no
5 worktime credit reduction. Every prisoner who
6 voluntarily accepts a half-time credit qualifying
7 assignment in lieu of a full-time assignment shall be
8 awarded worktime credit reductions from his or her term
9 of confinement of three months for each six-month period
10 of continued performance. Except as provided in
11 subdivision (a) of Section 2932, every prisoner willing to
12 participate in a full-time credit qualifying assignment but
13 who is either not assigned to a full-time assignment or is
14 assigned to a program for less than full time, shall receive
15 no less credit than is provided under Section 2931. Under
16 no circumstances shall any prisoner receive more than six
17 months' credit reduction for any six-month period under
18 this section.

19 (b) Worktime credit is a privilege, not a right.
20 Worktime credit must be earned and may be forfeited
21 pursuant to the provisions of Section 2932. The
22 application of credit to reduce the sentence of a prisoner
23 who committed a crime on or after January 1, 1997, is
24 subject to the provisions of Section 3067. Except as
25 provided in subdivision (a) of Section 2932, every
26 prisoner shall have a reasonable opportunity to
27 participate in a full-time credit qualifying assignment in
28 a manner consistent with institutional security and
29 available resources.

30 (c) Under regulations adopted by the Department of
31 Corrections, which shall require a period of not more than
32 one year free of disciplinary infractions, worktime credit
33 which has been previously forfeited may be restored by
34 the director. The regulations shall provide for separate
35 classifications of serious disciplinary infractions as they
36 relate to restoration of credits, the time period required
37 before forfeited credits or a portion thereof may be
38 restored, and the percentage of forfeited credits that may
39 be restored for these time periods. For credits forfeited
40 for commission of a felony specified in paragraph (1) of



1 subdivision (a) of Section 2932, the Department of
2 Corrections may provide that up to 180 days of lost credit
3 shall not be restored and up to 90 days of credit shall not
4 be restored for a forfeiture resulting from conspiracy or
5 attempts to commit one of those acts. No credits may be
6 restored if they were forfeited for a serious disciplinary
7 infraction in which the victim died or was permanently
8 disabled. Upon application of the prisoner and following
9 completion of the required time period free of
10 disciplinary offenses, forfeited credits eligible for
11 restoration under the regulations for disciplinary offenses
12 other than serious disciplinary infractions punishable by
13 a credit loss of more than 90 days shall be restored unless,
14 at a hearing, it is found that the prisoner refused to accept
15 or failed to perform in a credit qualifying assignment, or
16 extraordinary circumstances are present that require
17 that credits not be restored. “Extraordinary
18 circumstances” shall be defined in the regulations
19 adopted by the director. However, in any case in which
20 worktime credit was forfeited for a serious disciplinary
21 infraction punishable by a credit loss of more than 90 days,
22 restoration of credit shall be at the discretion of the
23 director.

24 The prisoner may appeal the finding through the
25 Department of Corrections review procedure, which
26 shall include a review by an individual independent of the
27 institution who has supervisory authority over the
28 institution.

29 (d) The provisions of subdivision (c) shall also apply in
30 cases of credit forfeited under Section 2931 for offenses
31 and serious disciplinary infractions occurring on or after
32 January 1, 1983.

33 (e) Any person sentenced to a term in the state prison
34 under subdivision (a) or (c) of Section 190 shall be
35 eligible only for credit pursuant to subdivisions (a), (b),
36 and (c) of Section 2931.

37 SEC. 2. Section 3067 is added to the Penal Code, to
38 read:

39 ~~3067. (a) The Legislature finds and declares that~~
40 ~~parole is a privilege, not a right. Therefore, it is the intent~~



1 of the Legislature that, for any inmate who committed a
2 crime on or after January 1, 1997, parole be granted only
3 on a conditional basis. The Legislature also finds and
4 declares that public safety requires that all parolees be
5 subject to intense supervision and surveillance by law
6 enforcement officers of this state.

7 (b) Regardless of the amount of credit that the inmate
8 has earned pursuant to Article 2.5 (commencing with
9 Section 2930) of Chapter 7, if an inmate who committed
10 a crime on or after January 1, 1997, is eligible for parole
11 pursuant to this chapter, he or she shall not be released
12 on parole unless he or she agrees, in writing, to be subject
13 to search or seizure by a peace officer or a parole officer
14 at any time of the day or night, with or without a search
15 warrant and with or without cause. It is not the intent of
16 the Legislature to authorize law enforcement officers to
17 conduct searches for the sole purpose of harassment.

18 3067. (a) Any inmate who is eligible for release on
19 parole pursuant to this chapter shall agree in writing to
20 be subject to search or seizure by a parole officer or other
21 peace officer at any time of the day or night, with or
22 without a search warrant and with or without cause.

23 (b) Any inmate who does not comply with the
24 provision of subdivision (a) shall lose worktime credit
25 earned pursuant to Article 2.5 (commencing with Section
26 2930) of Chapter 7 on a day-for-day basis and shall not be
27 released until he or she either complies with the provision
28 of subdivision (a) or has no remaining worktime credit,
29 whichever occurs earlier.

30 (c) This section shall only apply to an inmate who is
31 eligible for release on parole for an offense committed on
32 or after January 1, 1997.

33 (d) It is not the intent of the Legislature to authorize
34 law enforcement officers to conduct searches for the sole
35 purpose of harassment.

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