

AMENDED IN SENATE AUGUST 26, 1996

AMENDED IN SENATE AUGUST 7, 1996

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 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.

This bill would incorporate additional changes to Section 2933 of the Penal Code, proposed by SB 1231, to be operative only if both this bill and SB 1231 are chaptered and become effective on or before January 1, 1997, and this bill is chaptered last.

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
 24 qualifying program. Every prisoner who refuses to accept



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

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

29 (c) Under regulations adopted by the Department of
30 Corrections, which shall require a period of not more than
31 one year free of disciplinary infractions, worktime credit
32 which has been previously forfeited may be restored by
33 the director. The regulations shall provide for separate
34 classifications of serious disciplinary infractions as they
35 relate to restoration of credits, the time period required
36 before forfeited credits or a portion thereof may be
37 restored, and the percentage of forfeited credits that may
38 be restored for these time periods. For credits forfeited
39 for commission of a felony specified in paragraph (1) of
40 subdivision (a) of Section 2932, the Department of



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

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

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

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

36 *SEC. 1.5. Section 2933 of the Penal Code is amended*
37 *to read:*

38 2933. (a) It is the intent of the Legislature that
39 persons convicted of a crime and sentenced to the state
40 prison under Section 1170 serve the entire sentence



1 imposed by the court, except for a reduction in the time
2 served in the custody of the Director of Corrections for
3 performance in work, training or education programs
4 established by the Director of Corrections. Worktime
5 credits shall apply for performance in work assignments
6 and performance in elementary, high school, or
7 vocational education programs. Enrollment in a two- or
8 four-year college program leading to a degree shall result
9 in the application of time credits equal to that provided
10 in Section 2931. For every six months of full-time
11 performance in a credit qualifying program, as
12 designated by the director, a prisoner shall be awarded
13 worktime credit reductions from his or her term of
14 confinement of six months. A lesser amount of credit
15 based on this ratio shall be awarded for any lesser period
16 of continuous performance. Less than maximum credit
17 should be awarded pursuant to regulations adopted by
18 the director for prisoners not assigned to a full-time credit
19 qualifying program. Every prisoner who refuses to accept
20 a full-time credit qualifying assignment or who is denied
21 the opportunity to earn worktime credits pursuant to
22 subdivision (a) of Section 2932 shall be awarded no
23 worktime credit reduction. Every prisoner who
24 voluntarily accepts a half-time credit qualifying
25 assignment in lieu of a full-time assignment shall be
26 awarded worktime credit reductions from his or her term
27 of confinement of three months for each six-month period
28 of continued performance. Except as provided in
29 subdivision (a) of Section 2932, every prisoner willing to
30 participate in a full-time credit qualifying assignment but
31 who is either not assigned to a full-time assignment or is
32 assigned to a program for less than full time, shall receive
33 no less credit than is provided under Section 2931. Under
34 no circumstances shall any prisoner receive more than six
35 months' credit reduction for any six-month period under
36 this section.

37 (b) Worktime credit is a privilege, not a right.
38 Worktime credit must be earned and may be forfeited
39 pursuant to the provisions of Section 2932. *The*
40 *application of credit to reduce the sentence of a prisoner*



1 *who committed a crime on or after January 1, 1997, is*
2 *subject to the provisions of Section 3067.* Except as
3 provided in subdivision (a) of Section 2932, every
4 prisoner shall have a reasonable opportunity to
5 participate in a full-time credit qualifying assignment in
6 a manner consistent with institutional security and
7 available resources.

8 (c) Under regulations adopted by the Department of
9 Corrections, which shall require a period of not more than
10 one year free of disciplinary infractions, worktime credit
11 which has been previously forfeited may be restored by
12 the director. The regulations shall provide for separate
13 classifications of serious disciplinary infractions as they
14 relate to restoration of credits, the time period required
15 before forfeited credits or a portion thereof may be
16 restored, and the percentage of forfeited credits that may
17 be restored for these time periods. For credits forfeited
18 for commission of a felony specified in paragraph (1) of
19 subdivision (a) of Section 2932, the Department of
20 Corrections may provide that up to 180 days of lost credit
21 shall not be restored and up to 90 days of credit shall not
22 be restored for a forfeiture resulting from conspiracy or
23 attempts to commit one of those acts. No credits may be
24 restored if they were forfeited for a serious disciplinary
25 infraction in which the victim died or was permanently
26 disabled. Upon application of the prisoner and following
27 completion of the required time period free of
28 disciplinary offenses, forfeited credits eligible for
29 restoration under the regulations for disciplinary offenses
30 other than serious disciplinary infractions punishable by
31 a credit loss of more than 90 days shall be restored unless,
32 at a hearing, it is found that the prisoner refused to accept
33 or failed to perform in a credit qualifying assignment, or
34 extraordinary circumstances are present that require
35 that credits not be restored. “Extraordinary
36 circumstances” shall be defined in the regulations
37 adopted by the director. However, in any case in which
38 worktime credit was forfeited for a serious disciplinary
39 infraction punishable by a credit loss of more than 90 days,



1 restoration of credit shall be at the discretion of the
2 director.

3 The prisoner may appeal the finding through the
4 Department of Corrections review procedure, which
5 shall include a review by an individual independent of the
6 institution who has supervisory authority over the
7 institution.

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

12 ~~(e) Any person sentenced to a term in the state prison
13 under subdivision (a) or (c) of Section 190 shall be
14 eligible only for credit pursuant to subdivisions (a), (b),
15 and (c) of Section 2931.~~

16 SEC. 2. Section 3067 is added to the Penal Code, to
17 read:

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.

36 (e) This section does not affect the power of the
37 Director of Corrections to prescribe and amend rules and
38 regulations pursuant to Section 5058.

39 *SEC. 3. Section 1.5 of this bill incorporates*
40 *amendments to Section 2933 of the Penal Code proposed*



1 *by both this bill and SB 1231. It shall only become*
2 *operative if (1) both bills are enacted and become*
3 *effective on or before January 1, 1997, (2) each bill*
4 *amends Section 2933 of the Penal Code, and (3) this bill*
5 *is enacted after SB 1231, in which case Section 1 of this bill*
6 *shall not become operative.*

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