

AMENDED IN ASSEMBLY MAY 28, 1996
AMENDED IN ASSEMBLY APRIL 29, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2328

Introduced by Assembly Member Hoge

February 15, 1996

An act to amend Sections 679.03, 3058.6 and 3058.8 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2328, as amended, Hoge. Parole: violent offenders: notification of release.

Under existing law, whenever a person who has been convicted of a violent felony is scheduled to be released on parole, the paroling authority is required to notify the local law enforcement authorities having jurisdiction over the community into which the inmate is scheduled to be released. That notice is required to be made at least 15 days prior to the scheduled release date if the inmate will be released into the county from which he or she was committed, or at least 45 days prior to that date if he or she will be released into another county.

This bill would require the notice to be at least 45 days prior to the scheduled release date in all cases.

Under existing law, when the above notice is sent to local law enforcement authorities, the paroling authority is also required to send a notice of the inmate's release to all persons

who have requested that notice, including victims of, and certain witnesses to, the violent crime for which the inmate was incarcerated.

This bill would require ~~those persons~~ *victims of certain sex offenses* to be notified, unless a victim has notified the Department of Corrections that he or she does not want to be notified.

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 679.03 of the Penal Code is
2 amended to read:

3 679.03. With respect to the conviction of a defendant
4 involving a violent offense, as defined in subdivision (b)
5 of Section 12021.1, the county district attorney, probation
6 department, and victim-witness coordinator shall confer
7 and establish an annual policy within existing resources to
8 decide which one of their agencies shall inform each
9 witness involved in the conviction who was threatened by
10 the defendant following the defendant's arrest and each
11 victim or next of kin of the victim of that offense of the
12 right to receive a notice pursuant to Section 3058.8. If no
13 agreement is reached, the presiding judge shall designate
14 the appropriate county agency or department to provide
15 this notification.

16 SEC. 2. Section 3058.6 of the Penal Code is amended
17 to read:

18 3058.6. (a) Whenever any person confined to state
19 prison is serving a term for the conviction of a violent
20 felony listed in subdivision (c) of Section 667.5 or for a
21 violation of Section 264.1, the Board of Prison Terms, with
22 respect to inmates sentenced pursuant to subdivision (b)
23 of Section 1168 or the Department of Corrections, with
24 respect to inmates sentenced pursuant to Section 1170,
25 shall notify the sheriff or chief of police, or both, and the
26 district attorney, having jurisdiction over the community
27 in which the person was sentenced and, if different, those
28 law enforcement persons having jurisdiction over the



1 community in which the person is scheduled to be
2 released on parole or rereleased following a period of
3 confinement pursuant to a parole revocation without a
4 new commitment. The notification shall be made at least
5 45 days prior to the scheduled release date and shall
6 include the name of the person who is scheduled to be
7 released, whether or not the parolee is required to
8 register with law enforcement, and the community in
9 which the person will reside.

10 Those agencies receiving the notice referred to in this
11 subdivision shall have 15 days from receipt of the notice
12 to provide written comment to the board or department
13 regarding the impending release. Those comments shall
14 be considered by the board or department which may,
15 based on those comments, modify its decision regarding
16 the community in which the person is scheduled to be
17 released.

18 (b) In the event that the court orders the immediate
19 release of an inmate, the department shall notify the
20 sheriff or chief of police, or both, and the district attorney,
21 having jurisdiction over the community in which the
22 person is scheduled to be released on parole at the time
23 of release.

24 (c) The notification required by this section shall be
25 made whether or not a request has been made under
26 Section 3058.5.

27 (d) The time limits imposed by this section are not
28 applicable where the release date of an inmate has been
29 advanced by restoration of behavior credits, presentence
30 credits, or other process or procedure that could not have
31 reasonably been anticipated by the Department of
32 Corrections and where, as the result of the time
33 adjustments, there is less than 30 days remaining on the
34 sentence before the inmate's release on parole, but notice
35 shall be given as soon as practicable. In no case shall notice
36 required by this section to the appropriate agency be
37 later than the day of release on parole. If, after the 45-day
38 notice is given to law enforcement and to the district
39 attorney, there is change of county placement, notice to



1 the ultimate county of placement shall be made upon the
2 determination of the county of placement.

3 SEC. 3. Section 3058.8 of the Penal Code is amended
4 to read:

5 3058.8. At the time a notification is sent pursuant to
6 subdivision (a) of Section 3058.6, the Board of Prison
7 Terms or the Department of Corrections, as the case may
8 be, shall also send a notice to ~~persons described in Section~~
9 ~~679.03—the victims of crimes described in paragraphs (3),~~
10 ~~(4), or (5) of subdivision (c) of Section 667.5~~ informing
11 those persons of the fact that the person who committed
12 the violent offense is scheduled to be released and
13 specifying the proposed date of release. However, if a
14 victim has notified the department that he or she does not
15 want to be notified of the offender's release, the board or
16 department shall not send the notice required by this
17 section. Notice of the community in which the person is
18 scheduled to reside shall also be given only if it is (1) in
19 the county of residence of a witness, victim, or family
20 member of a victim who has requested notification; or (2)
21 within 25 miles of the actual residence of a witness, victim,
22 or family member of a victim who has requested
23 notification. If, after providing the witness, victim, or next
24 of kin with the notice, there is any change in the release
25 date or the community in which the person is to reside,
26 the board or the department shall provide the witness,
27 victim, or next of kin with the revised information.

28 In order to be entitled to receive the notice set forth in
29 this section, the requesting party shall keep the
30 department or board informed of his or her current
31 mailing address.

32 SEC. 4. *It is the intent of the Legislature that both of*
33 *the following occur, in implementing this act:*

34 *(a) The Department of Corrections will work with the*
35 *Board of Prison Terms, state and local prosecutorial*
36 *agencies, and state and local probation agencies, to*
37 *establish a reasonable method whereby at the conclusion*
38 *of a case, each victim is asked by the prosecutor if he or*
39 *she would like to be kept informed of parole*
40 *developments concerning the convicted defendant. If a*



1 victim states that he or she would like to be kept
2 informed, the prosecutor will obtain the victim's current
3 address and telephone number and, in conjunction with
4 probation and parole authorities, ensure that this request
5 is placed in the Statement of Execution of Sentence, the
6 probation report, or any other applicable documents. If
7 the victim does not want to be notified, that fact will be
8 noted and followed by the Department of Corrections.

9 (b) The Department of Corrections, when sending
10 out notices of parole to victims, will use the information
11 provided by the victim pursuant to subdivision (a) unless
12 it has been updated. If the information is no longer
13 current, the department will make a reasonable attempt,
14 such as calling the victim at the telephone number in the
15 file, checking with directory assistance and postal
16 authorities if appropriate, to establish a new address. It is
17 not the intent of the Legislature that the Department of
18 Corrections initiate an extensive investigation to locate a
19 victim.

