

AMENDED IN SENATE JULY 2, 1996  
AMENDED IN SENATE JUNE 18, 1996  
AMENDED IN SENATE JUNE 5, 1996  
AMENDED IN SENATE MAY 21, 1996  
AMENDED IN SENATE APRIL 22, 1996

**SENATE BILL**

**No. 1983**

**Introduced by Senator Haynes  
(Coauthor: Senator Solis)**

February 23, 1996

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An act to add Section 4024.4 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1983, as amended, Haynes. Victim notification program.

Under existing law, notice of any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner in a state prison shall be sent, upon request, by the Board of Prison Terms at least 30 days before the hearing to any victim of a crime committed by the prisoner, or to the next of kin of the victim if the victim has died.

This bill would require the board of supervisors of each county, with the prior concurrence of the county sheriff, *and the city council of each city, with the prior concurrence of the chief of police*, to establish a notification procedure to provide ~~information~~ *notice* of the release of any person incarcerated

at, or arrested and released on bail from, a ~~county jail or any other~~ local detention facility *under its jurisdiction* to those ~~persons who~~ *victims of crime who have been identified by law enforcement and* have requested to be so notified. The bill would authorize ~~the~~ a county or city and 2 or more counties or cities to contract with a private entity to implement this procedure. Because the bill would create additional duties for local agencies, it 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, 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.

This bill would further provide that its provisions shall not become operative unless a county or city can obtain reimbursement from the State Mandates Claims Fund for the costs of implementing the 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. Section 4024.4 is added to the Penal  
2 Code, to read:  
3 ~~4024.4. (a) The board of supervisors of each county,~~  
4 ~~with the concurrence of the county sheriff before~~  
5 ~~implementation, shall establish a notification procedure~~  
6 ~~to provide information of the release of any person~~  
7 ~~incarcerated at, or arrested and released on bail from, a~~  
8 ~~county jail or any other local detention facility to those~~  
9 ~~persons who have requested to be notified. The county~~  
10 ~~may contract with a private entity to implement this~~  
11 ~~procedure.~~



1 4024.4. (a) *The board of supervisors of each county,*  
2 *with the concurrence of the county sheriff before*  
3 *implementation, and the city council of each city, with*  
4 *the concurrence of the chief of police before*  
5 *implementation, shall establish a notification procedure*  
6 *to provide notice of the release of any person*  
7 *incarcerated at, or arrested and released on bail from, a*  
8 *local detention facility under its jurisdiction to those*  
9 *victims of crime who have been identified by law*  
10 *enforcement and have requested to be so notified. A*  
11 *county or city and two or more counties or cities jointly*  
12 *may contract with a private entity to implement this*  
13 *procedure.*

14 (b) Notwithstanding any other law, the sheriff, *chief of*  
15 *police,* or other official in charge of a ~~county jail or any~~  
16 ~~other~~ local detention facility shall make available to any  
17 private entity under contract pursuant to subdivision (a)  
18 all information necessary to implement the notification  
19 procedure in a timely manner. The private entity under  
20 contract shall be responsible for retrieving the  
21 information and notifying the requester through  
22 computer or telephonic means and, if unable to notify the  
23 person requesting the information by these means, the  
24 sheriff, *chief of police,* or other official in charge of a  
25 ~~county jail or any other~~ local detention facility, ~~as defined~~  
26 ~~in Section 6031.4,~~ shall send written notification by mail.

27 (c) The sheriff, *chief of police,* or other official in  
28 charge of a ~~county jail or any other~~ local detention facility  
29 shall work cooperatively with law enforcement agencies  
30 within the county *or city* and local victim centers  
31 established under Section 13835 to implement the  
32 program.

33 (d) As used in this section, “local detention facility”  
34 means a facility specified in subdivision (a) or (b) of  
35 Section 6031.4.

36 (e) *Notwithstanding any other provision of law, no*  
37 *public or private officer, employee, or entity may be held*  
38 *liable for any action or duty undertaken pursuant to this*  
39 *section.*



1 (f) This section shall not become operative unless a  
2 county *or city* can obtain reimbursement pursuant to Part  
3 7 (commencing with Section 17500) of Division 4 of Title  
4 2 of the Government Code for the costs of implementing  
5 this section.

6 SEC. 2. Notwithstanding Section 17610 of the  
7 Government Code, if the Commission on State Mandates  
8 determines that this act contains costs mandated by the  
9 state, reimbursement to local agencies and school  
10 districts for those costs shall be made pursuant to Part 7  
11 (commencing with Section 17500) of Division 4 of Title  
12 2 of the Government Code. If the statewide cost of the  
13 claim for reimbursement does not exceed one million  
14 dollars (\$1,000,000), reimbursement shall be made from  
15 the State Mandates Claims Fund.

16 Notwithstanding Section 17580 of the Government  
17 Code, unless otherwise specified, the provisions of this act  
18 shall become operative on the same date that the act  
19 takes effect pursuant to the California Constitution.

