

AMENDED IN ASSEMBLY MAY 7, 1998  
AMENDED IN ASSEMBLY APRIL 14, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2799**

**Introduced by Assembly Member Olberg**

March 2, 1998

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~~An act to amend Section 1566.5 of, and to add Section 1566.51 to, the Health and Safety Code, and to amend Sections 290.4, 3000, 3003 of, and to add Section 3003.5 to, the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately. An act to amend Section 290.4 of the Penal Code, relating to sex offenders.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2799, as amended, Olberg. Sex offenders.

~~Existing law provides that for the purpose of real property contracts, deeds, and transfers, a residential community care facility which serves 6 or fewer persons shall be considered a residential use of property and a use of property by a single family.~~

~~This bill would provide that notwithstanding this provision, any community care facility which serves two or more persons convicted of specified sex offenses shall be considered a nonresidential use of property and shall not qualify as a use of property by a single family.~~

~~Existing law requires the Department of Justice to provide a CD-ROM or other electronic medium containing specified~~

information regarding persons required to register as sex offenders, and to distribute the CD-ROM or other electronic medium to certain law enforcement agencies on a quarterly basis.

This bill would require the department to update and distribute the CD-ROM on a monthly basis.

~~Under existing law, at the expiration of a term of imprisonment of one year and one day or a determinate term of imprisonment, or at the expiration of a term reduced by good behavior and participation credits, the inmate is required to be released on parole for a period not exceeding 3 years. In the case of any inmate sentenced to an indeterminate term of imprisonment, the period of parole may not exceed 5 years for an inmate imprisoned for any offense other than first or 2nd degree murder for which the inmate has received a life sentence.~~

~~This bill instead would provide that for any inmate imprisoned for offenses relating to child molestation or which otherwise require registration as a sex offender, the period of parole may not exceed 5 years.~~

~~Existing law prohibits returning an inmate who is released on parole to a location within 35 miles of the actual residence of a victim of, or a witness to, any specified violent felony or a felony in which the defendant inflicts great bodily injury on any person other than an accomplice, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.~~

~~This bill would prohibit any inmate released on parole for any of prescribed offenses relating to child molestation from being placed in a residential situation with another person who has been convicted of any of those prescribed offenses. The bill also would require the parole authority, as a condition of parole, for any inmate imprisoned for any of the prescribed offenses to prohibit that inmate from living in the same residence as any person convicted of any of prescribed offenses relating to child molestation. This bill would also require the parole authority to notify the appropriate local law enforcement agency when an inmate, sentenced for any~~



~~of prescribed offenses relating to child molestation or other crimes for which registration as a sex offender is required by law, is released into a residential neighborhood, and would require local law enforcement to disclose, within one week of the parolee moving in, specified information about the registrant to residents within a 1,000 yard radius of the parolee's residence. The bill would require that the information disclosed be consistent with that compiled pursuant to Megan's law.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~This bill would also state the Legislature's intent to develop a pedophile parole placement program in conjunction with these provisions.~~

~~Vote:  $\frac{2}{3}$  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 1566.5 of the Health and Safety~~  
2    ~~Code is amended to read:~~  
3    ~~1566.5. Except for the provisions of Section 1566.51,~~  
4    ~~for the purposes of any contract, deed, or covenant for the~~  
5    ~~transfer of real property executed on or after January 1,~~  
6    ~~1979, a residential facility which serves six or fewer~~  
7    ~~persons shall be considered a residential use of property~~  
8    ~~and a use of property by a single family, notwithstanding~~  
9    ~~any disclaimers to the contrary.~~  
10   ~~SEC. 2. Section 1566.51 is added to the Health and~~  
11   ~~Safety Code, to read:~~  
12   ~~1566.51. Notwithstanding any provision within the~~  
13   ~~California Community Care Facilities Act to the contrary,~~  
14   ~~including, but not limited to, Section 1566.5, a community~~  
15   ~~care facility or residential facility which serves two or~~  
16   ~~more sex offenders shall be considered a nonresidential~~  
17   ~~use of property and shall not be considered a use of~~  
18   ~~property by a single family. For the purposes of this~~  
19   ~~section, the term "sex offender" shall mean any person~~  
20   ~~convicted of a sex offense, as that term is used under~~  
21   ~~Section 1564.~~



1 ~~SEC. 3.~~

2 *SECTION 1. It is the intent of the Legislature to*  
3 *develop, in conjunction with information disclosed*  
4 *pursuant to Section 290.4 of the Penal Code, a pedophile*  
5 *parole placement program to protect children from*  
6 *registered sex offenders.*

7 *SEC. 2. Section 290.4 of the Penal Code is amended to*  
8 *read:*

9 290.4. (a) (1) The Department of Justice shall  
10 continually compile information as described in  
11 paragraph (2) regarding any person required to register  
12 under Section 290 for a conviction of Section 207 or 209  
13 committed with the intent to violate Section 261, 286, 288,  
14 288a, or 289; Section 220, except assault to commit  
15 mayhem; Section 243.4, provided that the offense is a  
16 felony; paragraph (1), (2), (3), (4), or (6) of subdivision  
17 (a) of Section 261; Section 264.1; Section 266, provided  
18 that the offense is a felony; Section 266c, provided that the  
19 offense is a felony; Section 266j; Section 267; paragraph  
20 (1) of subdivision (b) of Section 286, provided that the  
21 offense is a felony; paragraph (2) of subdivision (b),  
22 subdivision (c), (d), (f), (g), (i), (j), or (k) of Section 286;  
23 Section 288; paragraph (1) of subdivision (b) of Section  
24 288a, provided that the offense is a felony; paragraph (2)  
25 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of  
26 Section 288a; Section 288.5; subdivision (a), (b), (d), (e),  
27 (f), (g), or (h) of Section 289, provided that the offense  
28 is a felony; subdivision (i) or (j) of Section 289; Section  
29 647.6; or the statutory predecessor of any of these offenses  
30 or any offense which, if committed or attempted in this  
31 state, would have been punishable as one or more of the  
32 offenses described in this section. This requirement shall  
33 not be applied to a person whose duty to register has been  
34 terminated pursuant to paragraph (5) of subdivision (d)  
35 of Section 290, or to a person who has been relieved of his  
36 or her duty to register under Section 290.5.

37 (2) The information shall be categorized by  
38 community of residence and ZIP Code. The information  
39 shall include the names and known aliases of the person,  
40 photograph, a physical description, gender, race, date of



1 birth, the criminal history, and the address, including ZIP  
2 Code, in which the person resides, and any other  
3 information that the Department of Justice deems  
4 relevant, not including information that would identify  
5 the victim.

6 (3) The department shall operate a “900” telephone  
7 number that members of the public may call and inquire  
8 whether a named individual is listed among those  
9 described in this subdivision. The caller shall furnish his  
10 or her first name, middle initial, and last name. The  
11 department shall ascertain whether a named person  
12 reasonably appears to be a person so listed and provide  
13 the caller with the information described in paragraph  
14 (2), except the department shall not disclose the street  
15 address or criminal history of a person listed, except to  
16 disclose the ZIP Code area in which the person resides  
17 and to describe the specific crimes for which the  
18 registrant was required to register. The department shall  
19 decide whether the named person reasonably appears to  
20 be a person listed, based upon information from the caller  
21 providing information that shall include (A) an exact  
22 street address, including apartment number, social  
23 security number, California driver’s license or  
24 identification number, or birth date along with additional  
25 information that may include any of the following: name,  
26 hair color, eye color, height, weight, distinctive markings,  
27 ethnicity; or (B) any combination of at least six of the  
28 above listed characteristics if an exact birth date or  
29 address is not available. If three of the characteristics  
30 provided include ethnicity, hair color, and eye color, a  
31 seventh identifying characteristic shall be provided. Any  
32 information identifying the victim by name, birth date,  
33 address, or relation to the registrant shall be excluded by  
34 the department.

35 (4) (A) On or before July 1, 1997, the department  
36 shall provide a CD-ROM or other electronic medium  
37 containing the information described in paragraph (2),  
38 except the person’s street address and criminal history  
39 other than the specific crimes for which the person was  
40 required to register, for all persons described in



1 paragraph (1) of subdivision (a), and shall update and  
2 distribute the CD-ROM or other electronic medium on a  
3 monthly basis to the sheriff's department in each county,  
4 municipal police departments of cities with a population  
5 of more than 200,000, and each law enforcement agency  
6 listed in subparagraph (I) of paragraph (1) of subdivision  
7 (n) of Section 290. These law enforcement agencies may  
8 obtain additional copies by purchasing a yearly  
9 subscription to the CD-ROM or other electronic medium  
10 from the Department of Justice for a yearly subscription  
11 fee. The Department of Justice, the sheriff's departments,  
12 and the municipal police departments of cities with a  
13 population of more than 200,000 shall make, and the other  
14 law enforcement agencies may make, the CD-ROM or  
15 other electronic medium available for viewing by the  
16 public in accordance with the following: The agency may  
17 require that a person applying to view the CD-ROM or  
18 other electronic medium express an articulable purpose  
19 in order to have access thereto. The applicant shall  
20 provide identification in the form of a California driver's  
21 license or California identification card, showing the  
22 applicant to be at least 18 years of age, and shall sign a  
23 statement, on a form provided by the Department of  
24 Justice, stating that the applicant is not a registered sex  
25 offender, that he or she understands the purpose of the  
26 release of information is to allow members of the public  
27 to protect themselves and their children from sex  
28 offenders, and he or she understands it is unlawful to use  
29 information obtained from the CD-ROM or other  
30 electronic medium to commit a crime against any  
31 registrant or to engage in illegal discrimination or  
32 harassment of any registrant. The signed statement shall  
33 be maintained in a file in the designated law enforcement  
34 agency's office.

35 (B) The records of persons requesting to view the  
36 CD-ROM or other electronic medium are confidential,  
37 except that a copy of the applications requesting to view  
38 the CD-ROM or other electronic medium may be  
39 disclosed to law enforcement agencies for law  
40 enforcement purposes.



1 (C) Any information identifying the victim by name,  
2 birth date, address, or relationship to the registrant shall  
3 be excluded from the CD-ROM or other electronic  
4 medium.

5 (5) (A) The income from the operation of the “900”  
6 telephone number shall be deposited in the Sexual  
7 Predator Public Information Account, which is hereby  
8 established within the Department of Justice for the  
9 purpose of the implementation of this section by the  
10 Department of Justice, including all actual and  
11 reasonable costs related to establishing and maintaining  
12 the information described in subdivision (a) and the  
13 CD-ROM or other electronic medium described in this  
14 subdivision.

15 (B) The moneys in the Sexual Predator Public  
16 Information Account shall consist of income from the  
17 operation of the “900” telephone number program  
18 authorized by this section, proceeds of the loan made  
19 pursuant to Section 6 of the act adding this section, and  
20 any other funds made available to the account by the  
21 Legislature. Moneys in the account shall be available to  
22 the Department of Justice upon appropriation by the  
23 Legislature for the purpose specified in subparagraph  
24 (A).

25 (C) When the “900” telephone number is called, a  
26 preamble shall be played before charges begin to accrue.  
27 The preamble shall run at least the length of time  
28 required by federal law and shall provide the following  
29 information:

30 (i) Notice that the caller’s telephone number will be  
31 recorded.

32 (ii) The charges for use of the “900” telephone  
33 number.

34 (iii) Notice that the caller is required to identify  
35 himself or herself to the operator.

36 (iv) Notice that the caller is required to be 18 years of  
37 age or older.

38 (v) A warning that it is illegal to use information  
39 obtained through the “900” telephone number to commit



1 a crime against any registrant or to engage in illegal  
2 discrimination or harassment against any registrant.

3 (vi) Notice that the caller is required to have the birth  
4 date, California driver's license or identification number,  
5 social security number, address, or other identifying  
6 information regarding the person about whom  
7 information is sought in order to achieve a positive  
8 identification of that person.

9 (vii) A statement that the number is not a crime  
10 hotline and that any suspected criminal activity should be  
11 reported to local authorities.

12 (viii) A statement that the caller should have a  
13 reasonable suspicion that a person is at risk.

14 (D) The Department of Justice shall expend no more  
15 than six hundred thousand dollars (\$600,000) per year  
16 from any moneys appropriated by the Legislature from  
17 the account.

18 (b) (1) Any person who uses information disclosed  
19 pursuant to this section to commit a felony shall be  
20 punished, in addition and consecutive to, any other  
21 punishment, by a five-year term of imprisonment in the  
22 state prison.

23 (2) Any person who, without authorization, uses  
24 information disclosed pursuant to this section to commit  
25 a misdemeanor shall be subject to, in addition to any other  
26 penalty or fine imposed, a fine of not less than five  
27 hundred dollars (\$500) and not more than one thousand  
28 dollars (\$1,000).

29 (c) The record of the compilation of offender  
30 information on each CD-ROM or other electronic  
31 medium distributed pursuant to this section shall be used  
32 only for law enforcement purposes and the public safety  
33 purposes specified in this section and Section 290. This  
34 record shall not be distributed or removed from the  
35 custody of the law enforcement agency that is authorized  
36 to retain it. Information obtained from this record shall be  
37 disclosed to a member of the public only as provided in  
38 this section or Section 290, or any other statute expressly  
39 authorizing it.



1 Any person who copies, distributes, discloses, or  
2 receives this record or information from it, except as  
3 authorized by law, is guilty of a misdemeanor, punishable  
4 by imprisonment in a county jail not to exceed six months  
5 or by a fine not exceeding one thousand dollars (\$1,000),  
6 or by both that imprisonment and fine. This subdivision  
7 shall not apply to a law enforcement officer who makes  
8 a copy as part of his or her official duties in the course of  
9 a criminal investigation, court case, or as otherwise  
10 authorized by subdivision (n) of Section 290. This  
11 subdivision shall not prohibit copying information by  
12 handwriting.

13 Notwithstanding Section 6254.5 of the Government  
14 Code, disclosure of information pursuant to this section is  
15 not a waiver of exemptions under Chapter 3.5  
16 (commencing with Section 6250) of Title 1 of Division 7  
17 of the Government Code and does not affect other  
18 statutory restrictions on disclosure in other situations.

19 (d) Unauthorized removal or destruction of the  
20 CD-ROM or other electronic medium from the offices of  
21 any law enforcement agency is a misdemeanor,  
22 punishable by imprisonment in a county jail not to exceed  
23 one year, or by a fine not exceeding one thousand dollars  
24 (\$1,000), or by both that imprisonment and fine.

25 (e) (1) A person is authorized to use information  
26 disclosed pursuant to this section only to protect a person  
27 at risk.

28 This section shall not affect authorized access to, or use  
29 of, information pursuant to, among other provisions,  
30 Sections 11105 and 11105.3 of this code, Section 226.55 of  
31 the Civil Code, Sections 777.5 and 14409.2 of the Financial  
32 Code, Sections 1522.01 and 1596.871 of the Health and  
33 Safety Code, and Section 432.7 of the Labor Code.

34 (2) Except as authorized under paragraph (1) or any  
35 other provision of law, use of any information, for  
36 purposes relating to any of the following, and that is  
37 disclosed pursuant to this section, is prohibited:

- 38 (A) Health insurance.
- 39 (B) Insurance.
- 40 (C) Loans.



1 (D) Credit.

2 (E) Employment.

3 (F) Education, scholarships, or fellowships.

4 (G) Housing or accommodations.

5 (H) Benefits, privileges, or services provided by any  
6 business establishment.

7 (3) (A) Any use of information disclosed pursuant to  
8 this section for purposes other than those provided by  
9 paragraph (1) of subdivision (e) or in violation of  
10 paragraph (2) of subdivision (e) shall make the user liable  
11 for the actual damages, and any amount that may be  
12 determined by a jury or a court sitting without a jury, not  
13 exceeding three times the amount of actual damage, and  
14 not less than two hundred fifty dollars (\$250), and  
15 attorney's fees, exemplary damages, or a civil penalty not  
16 exceeding twenty-five thousand dollars (\$25,000).

17 (B) Whenever there is reasonable cause to believe  
18 that any person or group of persons is engaged in a  
19 pattern or practice of misuse of the "900" telephone  
20 number in violation of paragraph (2) of subdivision (e),  
21 the Attorney General, any district attorney, or city  
22 attorney, or any person aggrieved by the misuse of that  
23 number is authorized to bring a civil action in the  
24 appropriate court requesting preventive relief, including  
25 an application for a permanent or temporary injunction,  
26 restraining order, or other order against the person or  
27 group of persons responsible for the pattern or practice  
28 of misuse. The foregoing remedies shall be independent  
29 of any other remedies or procedures that may be  
30 available to an aggrieved party under other provisions of  
31 law, including Part 2 (commencing with Section 43) of  
32 Division 1 of the Civil Code.

33 (f) This section shall not be deemed to authorize the  
34 publication, distribution, or disclosure of the address of  
35 any person about whom information can be published,  
36 distributed, or disclosed pursuant to this section.

37 (g) Community notification shall be governed by  
38 subdivisions (m) and (n) of Section 290.

39 (h) The Department of Justice shall submit to the  
40 Legislature an annual report on the operation of the



1 “900” telephone number required by paragraph (3) of  
2 subdivision (a) on July 1, 1996, July 1, 1997, and July 1,  
3 1998. The annual report shall include all of the following:

4 (1) Number of calls received.

5 (2) Amount of income earned per year through  
6 operation of the “900” telephone number.

7 (3) A detailed outline of the amount of money  
8 expended and the manner in which it was expended for  
9 purposes of this section.

10 (4) Number of calls that resulted in an affirmative  
11 response and the number of calls that resulted in a  
12 negative response with regard to whether a named  
13 individual was listed pursuant to subdivision (a).

14 (5) Number of persons listed pursuant to subdivision  
15 (a).

16 (6) A summary of the success of the “900” telephone  
17 number program based upon selected factors.

18 (i) Any law enforcement agency and employees of law  
19 enforcement agencies shall be immune from liability for  
20 good faith conduct under this section. For the purposes  
21 of this section, “law enforcement agency” means the  
22 Attorney General, any district attorney, and any state  
23 agency expressly authorized by statute to investigate or  
24 prosecute law violators.

25 (j) On or before July 1, 2000, the Department of Justice  
26 shall make a report to the Legislature concerning the  
27 changes to the operation of the “900” telephone number  
28 program made by the amendments to this section by  
29 Chapter 908 of the Statutes of 1996. The report shall  
30 include all of the following:

31 (1) Number of calls received by county.

32 (2) Number of calls that resulted in an affirmative  
33 response and the number of calls that resulted in a  
34 negative response with regard to whether a named  
35 individual was listed pursuant to subdivision (a).

36 (3) Number of persons listed pursuant to subdivision  
37 (a).

38 (4) Statistical information concerning prosecutions of  
39 persons for misuse of the “900” telephone number  
40 program, including the outcomes of those prosecutions.



1 (5) A summary of the success of the “900” telephone  
2 number based upon selected factors.

3 (k) The registration and public notification provisions  
4 of this section are applicable to every person described in  
5 these sections, without regard to when his or her crimes  
6 were committed or his or her duty to register pursuant to  
7 this section arose, and to every offense described in these  
8 sections, regardless of when it was committed.

9 (l) No later than December 31, 1998, the Department  
10 of Justice shall prepare an informational pamphlet that  
11 shall be mailed to any member of the public who makes  
12 an inquiry using the “900” telephone number required by  
13 this section and who provides an address. The pamphlet  
14 shall provide basic information concerning appropriate  
15 steps parents, guardians, and other responsible adults can  
16 take to ensure a child is safe from a suspected child  
17 molester, including, but not limited to, how to identify  
18 suspicious activity by an adult, common facts and myths  
19 about child molesters, and how to obtain additional help  
20 and information. A notice to callers to the “900”  
21 telephone number that they will receive the pamphlet,  
22 if an address is provided, shall be included in the  
23 preamble required by this section.

24 (m) This section shall remain operative only until  
25 January 1, 2001, and as of that date is repealed unless a  
26 later enacted statute, which becomes effective on or  
27 before that date, deletes or extends that date.

28 ~~SEC. 4. Section 3000 of the Penal Code is amended to~~  
29 ~~read:~~

30 ~~3000. (a) (1) The Legislature finds and declares that~~  
31 ~~the period immediately following incarceration is critical~~  
32 ~~to successful reintegration of the offender into society and~~  
33 ~~to positive citizenship. It is in the interest of public safety~~  
34 ~~for the state to provide for the supervision of and~~  
35 ~~surveillance of parolees, including the judicious use of~~  
36 ~~revocation actions, and to provide educational,~~  
37 ~~vocational, family and personal counseling necessary to~~  
38 ~~assist parolees in the transition between imprisonment~~  
39 ~~and discharge. A sentence pursuant to Section 1168 or~~



1 ~~1170 shall include a period of parole, unless waived, as~~  
2 ~~provided in this section.~~

3 ~~(2) The Legislature finds and declares that it is not the~~  
4 ~~intent of this section to diminish resources allocated to the~~  
5 ~~Department of Corrections for parole functions for which~~  
6 ~~the department is responsible. It is also not the intent of~~  
7 ~~this section to diminish the resources allocated to the~~  
8 ~~Board of Prison Terms to execute its duties with respect~~  
9 ~~to parole functions for which the board is responsible.~~

10 ~~(3) The Legislature finds and declares that diligent~~  
11 ~~effort must be made to ensure that parolees are held~~  
12 ~~accountable for their criminal behavior, including, but~~  
13 ~~not limited to, the satisfaction of restitution fines and~~  
14 ~~orders.~~

15 ~~(4) Any finding made pursuant to Article 4~~  
16 ~~(commencing with Section 6600) of Chapter 2 of Part 2~~  
17 ~~of Division 6 of the Welfare and Institutions Code, that a~~  
18 ~~person is a sexually violent predator shall not toll,~~  
19 ~~discharge, or otherwise affect that person's period of~~  
20 ~~parole.~~

21 ~~(b) Notwithstanding any provision to the contrary in~~  
22 ~~Article 3 (commencing with Section 3040) of this chapter,~~  
23 ~~the following shall apply:~~

24 ~~(1) At the expiration of a term of imprisonment of one~~  
25 ~~year and one day, or a term of imprisonment imposed~~  
26 ~~pursuant to Section 1170 or at the expiration of a term~~  
27 ~~reduced pursuant to Section 2931, if applicable, the~~  
28 ~~inmate shall be released on parole for a period not~~  
29 ~~exceeding three years, unless the parole authority for~~  
30 ~~good cause waives parole and discharges the inmate from~~  
31 ~~custody of the department.~~

32 ~~(2) In the case of any inmate sentenced under Section~~  
33 ~~1168, the period of parole shall not exceed five years in the~~  
34 ~~case of an inmate imprisoned for any offense other than~~  
35 ~~first or second degree murder for which the inmate has~~  
36 ~~received a life sentence, shall not exceed five years in the~~  
37 ~~case of an inmate imprisoned for any offense set forth in~~  
38 ~~either Section 288 or 288.5, or any person required to~~  
39 ~~register under Section 290, and shall not exceed three~~  
40 ~~years in the case of any other inmate, unless in any case~~



1 the parole authority for good cause waives parole and  
2 discharges the inmate from custody of the department.  
3 This subdivision shall be also applicable to inmates who  
4 committed crimes prior to July 1, 1977, to the extent  
5 specified in Section 1170.2.

6 (3) The parole authority shall consider the request of  
7 any inmate regarding the length of his or her parole and  
8 the conditions thereof.

9 (4) Upon successful completion of parole, or at the end  
10 of the maximum statutory period of parole specified for  
11 the inmate under paragraph (1) or (2), as the case may  
12 be, whichever is earlier, the inmate shall be discharged  
13 from custody. The date of the maximum statutory period  
14 of parole under this subdivision and paragraphs (1) and  
15 (2) shall be computed from the date of initial parole and  
16 shall be a period chronologically determined. Time  
17 during which parole is suspended because the prisoner  
18 has absconded or has been returned to custody as a parole  
19 violator shall not be credited toward any period of parole  
20 unless the prisoner is found not guilty of the parole  
21 violation. However, in no case, except as provided in  
22 Section 3064, may a prisoner subject to three years on  
23 parole be retained under parole supervision or in custody  
24 for a period longer than four years from the date of his or  
25 her initial parole, and, except as provided in Section 3064,  
26 in no case may a prisoner subject to five years on parole  
27 be retained under parole supervision or in custody for a  
28 period longer than seven years from the date of his or her  
29 initial parole.

30 (5) The Department of Corrections shall meet with  
31 each inmate at least 30 days prior to his or her good time  
32 release date and shall provide, under guidelines specified  
33 by the parole authority, the conditions of parole and the  
34 length of parole up to the maximum period of time  
35 provided by law. The inmate has the right to  
36 reconsideration of the length of parole and conditions  
37 thereof by the parole authority. The Department of  
38 Corrections or the Board of Prison Terms may impose as  
39 a condition of parole that a prisoner make payments on  
40 the prisoner's outstanding restitution fines or orders



1 ~~imposed pursuant to subdivision (a) or (c) of Section~~  
2 ~~13967 of the Government Code, as operative prior to~~  
3 ~~September 28, 1994, or subdivision (b) or (f) of Section~~  
4 ~~1202.4.~~

5 ~~(6) For purposes of this chapter, the Board of Prison~~  
6 ~~Terms shall be considered the parole authority.~~

7 ~~(7) The sole authority to issue warrants for the return~~  
8 ~~to actual custody of any state prisoner released on parole~~  
9 ~~rests with the Board of Prison Terms, except for any~~  
10 ~~escaped state prisoner or any state prisoner released prior~~  
11 ~~to his or her scheduled release date who should be~~  
12 ~~returned to custody, and Section 3060 shall apply.~~

13 ~~SEC. 5. Section 3003 of the Penal Code is amended to~~  
14 ~~read:~~

15 ~~3003. (a) Except as otherwise provided in this~~  
16 ~~section, an inmate who is released on parole shall be~~  
17 ~~returned to the county that was the last legal residence~~  
18 ~~of the inmate prior to his or her incarceration.~~

19 ~~For purposes of this subdivision, "last legal residence"~~  
20 ~~shall not be construed to mean the county wherein the~~  
21 ~~inmate committed an offense while confined in a state~~  
22 ~~prison or local jail facility or while confined for treatment~~  
23 ~~in a state hospital.~~

24 ~~(b) Notwithstanding subdivision (a), an inmate may~~  
25 ~~be returned to another county if that would be in the best~~  
26 ~~interests of the public. If the Board of Prison Terms~~  
27 ~~setting the conditions of parole for inmates sentenced~~  
28 ~~pursuant to subdivision (b) of Section 1168, or the~~  
29 ~~Department of Corrections setting the conditions of~~  
30 ~~parole for inmates sentenced pursuant to Section 1170,~~  
31 ~~decides on a return to another county, it shall place its~~  
32 ~~reasons in writing in the parolee's permanent record and~~  
33 ~~include these reasons in the notice to the sheriff or chief~~  
34 ~~of police pursuant to Section 3058.6. In making its~~  
35 ~~decision, the paroling authority shall consider, among~~  
36 ~~others, the following factors, giving the greatest weight to~~  
37 ~~the protection of the victim and the safety of the~~  
38 ~~community:~~

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



- 1 ~~(2) Public concern that would reduce the chance that~~  
2 ~~the inmate's parole would be successfully completed.~~
- 3 ~~(3) The verified existence of a work offer, or an~~  
4 ~~educational or vocational training program.~~
- 5 ~~(4) The existence of family in another county with~~  
6 ~~whom the inmate has maintained strong ties and whose~~  
7 ~~support would increase the chance that the inmate's~~  
8 ~~parole would be successfully completed.~~
- 9 ~~(5) The lack of necessary outpatient treatment~~  
10 ~~programs for parolees receiving treatment pursuant to~~  
11 ~~Section 2960.~~
- 12 ~~(e) The Department of Corrections, in determining~~  
13 ~~an out-of-county commitment, shall give priority to the~~  
14 ~~safety of the community and any witnesses and victims.~~
- 15 ~~(d) In making its decision about an inmate who~~  
16 ~~participated in a joint venture program pursuant to~~  
17 ~~Article 1.5 (commencing with Section 2717.1) of Chapter~~  
18 ~~5, the paroling authority shall give serious consideration~~  
19 ~~to releasing him or her to the county where the joint~~  
20 ~~venture program employer is located if that employer~~  
21 ~~states to the paroling authority that he or she intends to~~  
22 ~~employ the inmate upon release.~~
- 23 ~~(e) (1) The following information, if available, shall~~  
24 ~~be released by the Department of Corrections to local law~~  
25 ~~enforcement agencies regarding a paroled inmate who is~~  
26 ~~released in their jurisdictions:~~
- 27 ~~(A) Last, first, and middle name.~~
- 28 ~~(B) Birth date.~~
- 29 ~~(C) Sex, race, height, weight, and hair and eye color.~~
- 30 ~~(D) Date of parole and discharge.~~
- 31 ~~(E) Registration status, if the inmate is required to~~  
32 ~~register as a result of a controlled substance, sex, or arson~~  
33 ~~offense.~~
- 34 ~~(F) California Criminal Information Number, FBI~~  
35 ~~number, social security number, and driver's license~~  
36 ~~number.~~
- 37 ~~(G) County of commitment.~~
- 38 ~~(H) A description of scars, marks, and tattoos on the~~  
39 ~~inmate.~~



1 ~~(I) Offense or offenses for which the inmate was~~  
2 ~~convicted that resulted in parole in this instance.~~

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

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

6 ~~(ii) City and ZIP Code.~~

7 ~~(iii) Date the address as provided pursuant to this~~  
8 ~~subparagraph was proposed to be effective.~~

9 ~~(K) Contact officer and unit, including all of the~~  
10 ~~following information:~~

11 ~~(i) Name and telephone number of each contact~~  
12 ~~officer.~~

13 ~~(ii) Contact unit type of each contact officer such as~~  
14 ~~units responsible for parole, registration, or county~~  
15 ~~probation.~~

16 ~~(L) A digitized image of the photograph and at least~~  
17 ~~a single digit fingerprint of the parolee.~~

18 ~~(M) A geographic coordinate for the parolee's~~  
19 ~~residence location for use with a Geographical~~  
20 ~~Information System (GIS) or comparable computer~~  
21 ~~program.~~

22 ~~(2) The information required by this subdivision shall~~  
23 ~~come from the statewide parolee data base. The~~  
24 ~~information obtained from each source shall be based on~~  
25 ~~the same timeframe.~~

26 ~~(3) All of the information required by this subdivision~~  
27 ~~shall be provided utilizing a computer-to-computer~~  
28 ~~transfer in a format usable by a desktop computer system.~~  
29 ~~The transfer of this information shall be continually~~  
30 ~~available to local law enforcement agencies upon request.~~

31 ~~(4) The unauthorized release or receipt of the~~  
32 ~~information described in this subdivision is a violation of~~  
33 ~~Section 11143.~~

34 ~~(f) Notwithstanding any other law, an inmate who is~~  
35 ~~released on parole shall not be returned to a location~~  
36 ~~within 35 miles of the actual residence of a victim of, or~~  
37 ~~a witness to, a violent felony as defined in paragraphs (1)~~  
38 ~~to (7), inclusive, of subdivision (c) of Section 667.5 or a~~  
39 ~~felony in which the defendant inflicts great bodily injury~~  
40 ~~on any person other than an accomplice that has been~~



1 charged and proved as provided for in Section 12022.7 or  
2 12022.9, if the victim or witness has requested additional  
3 distance in the placement of the inmate on parole, and if  
4 the Board of Prison Terms or the Department of  
5 Corrections finds that there is a need to protect the life,  
6 safety, or well-being of a victim or witness.

7 (g) Notwithstanding any other law, an inmate who is  
8 released on parole from a sentence imposed for any  
9 offense set forth in Section 288 or 288.5 shall not be placed  
10 in a residential situation with another person who has  
11 been convicted of, any offense set forth in either of those  
12 sections. The parole authority shall, as a condition of  
13 parole, for any inmate imprisoned for any offense set  
14 forth in Section 288 or 288.5, prohibit that inmate from  
15 living in the same residence as any person who has been  
16 convicted of any offense set forth in either of those  
17 sections.

18 (h) The authority shall give consideration to the  
19 equitable distribution of parolees and the proportion of  
20 out-of-county commitments from a county compared to  
21 the number of commitments from that county when  
22 making parole decisions.

23 (i) An inmate may be paroled to another state  
24 pursuant to any other law.

25 (j) (1) Except as provided in paragraph (2), the  
26 Department of Corrections shall be the agency primarily  
27 responsible for, and shall have control over, the program,  
28 resources, and staff implementing the Law Enforcement  
29 Automated Data System (LEADS) in conformance with  
30 subdivision (e).

31 (2) Notwithstanding paragraph (1), the Department  
32 of Justice shall be the agency primarily responsible for the  
33 proper release of information under LEADS that relates  
34 to fingerprint cards.

35 SEC. 6. Section 3003.5 is added to the Penal Code, to  
36 read:

37 3003.5. Notwithstanding any other provision of law,  
38 when an inmate is released on parole into a residential  
39 neighborhood, from a sentence imposed for any offense  
40 set forth in Section 288 or 288.5, or for any offense



1 committed against an individual for which registration is  
2 required under Section 290, the parole authority shall  
3 notify the local law enforcement agency with jurisdiction  
4 in that neighborhood, and the local law enforcement  
5 agency that receives this information shall, within one  
6 week of the parolee moving into that residence, notify  
7 residents within a 1000 yard radius of the parolee's  
8 residence of that person's presence. Information  
9 disclosed pursuant to this notification shall be consistent  
10 with that compiled pursuant to paragraph (2) of  
11 subdivision (a) of Section 290.4.

12 SEC. 7. This act is an urgency statute necessary for the  
13 immediate preservation of the public peace, health, or  
14 safety within the meaning of Article IV of the  
15 Constitution and shall go into immediate effect. The facts  
16 constituting the necessity are:

17 In order to prevent, at the earliest possible time,  
18 situations where registered sex offenders are placed in  
19 residential community care facilities, placed in  
20 residential arrangements without notice to the  
21 surrounding residents, or allowed to live with other sex  
22 offenders, in order to increase the frequency by which  
23 law enforcement agencies disclose information  
24 concerning these sex offenders, and in order to increase  
25 the allowable period of parole for those convicted of  
26 crimes related to child molestation, at the earliest possible  
27 time, it is necessary that this act take effect immediately.

