

Assembly Bill No. 1300

Passed the Assembly July 6, 2000

Chief Clerk of the Assembly

Passed the Senate July 6, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 3000 and 3000.1 of, to add and repeal Article 1.5 (commencing with Section 3005) of Chapter 8 of Title 1 of Part 3 of, the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, Rod Pacheco. Sex offenders: parole.

Existing law provides for the parole of sex offenders, as specified.

This bill, the "Sex Offender Containment Act," would provide that those sex offenders guilty of rape, sodomy, oral copulation by force, lewd acts on a child under 14 years of age, continuous sexual abuse of a child, or rape in concert, as specified, shall be subject to a maximum of 5 years of continuous parole. This bill would also provide that if the inmate received a life sentence for commission of certain sex offenses, the period of parole shall be 5 years, which could be extended upon specified conditions for an additional 5-year period.

The bill would also provide for the intensive parole supervision of specified sex offenders by the Department of Corrections, subject to legislative appropriation of necessary funds, and provide for reports from the Department of Corrections to the Legislature regarding sexually violent predators, as specified. The bill would also provide that the provisions described in this paragraph would be repealed on July 1, 2006.

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

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the "Sex Offender Containment Act."

SEC. 2. The Legislature finds and declares the following:



(a) About half of the 7,300 adult sex offenders now under state parole supervision are considered to pose a high risk of committing new sex crimes and other violent acts.

(b) Very few of these offenders have received any treatment while in prison to curb their pattern of criminal activities, and only a fraction of them receive intensive supervision, treatment, and control after they are released into the community.

(c) Two out of three fail on parole by committing new crimes or parole violations.

(d) In light of the above concerns, the implementation of a strategy of “containment” of high-risk adult sex offenders is necessary.

(e) This containment strategy would include longer and more intensive supervision of high-risk adult sex offenders released on parole, and the study and creation of an intensive treatment program for high-risk offender parolees by the Department of Corrections.

(f) Containment is an approach intended to prevent a sex offender who has been released on parole from committing new crimes.

(g) The containment approach emphasizes making the safety of the community and past sex crime victims a high priority, and calls for individualized case management of sex offenders that addresses the specific supervision, treatment, and controls needed to reintegrate them safely in the community.

(h) In summary, the benefits of the containment of sex offenders would be improved public safety, including a reduction in new crimes and parole violations by sex offenders on parole; better use of state parole resources with more intense efforts for a longer period of time to supervise high-risk offenders; more and better information for parole agents to identify the sex offenders who pose the greatest risk to the public and impose appropriate conditions of parole to reduce the risk; better use of parole outpatient clinics; and significant long-term net savings to the state and local government potentially in the tens of millions of dollars annually, due primarily



to lower costs for the prison and mental hospital systems, the criminal justice system, and for assistance to crime victims.

SEC. 3. Section 3000 of the Penal Code is amended to read:

3000. (a) (1) The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the supervision of and surveillance of parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge. A sentence pursuant to Section 1168 or 1170 shall include a period of parole, unless waived, as provided in this section.

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

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

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

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

(1) At the expiration of a term of imprisonment of one year and one day, or a term of imprisonment imposed



pursuant to Section 1170 or at the expiration of a term reduced pursuant to Section 2931, if applicable, the inmate shall be released on parole for a period not exceeding three years, except that any inmate sentenced for an offense specified in paragraph (3), (4), (5), (6), (16), or (18) of subdivision (c) of Section 667.5, shall be released on parole for a period not exceeding five years, unless in either case the parole authority for good cause waives parole and discharges the inmate from the custody of the department.

(2) In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause waives parole and discharges the inmate from custody of the department. This subdivision shall also be applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(3) Notwithstanding paragraphs (1) and (2), in the case of any offense for which the inmate has received a life sentence pursuant to Section 667.61, the period of parole shall be five years. Upon the request of the Department of Corrections, and on the grounds that the paroled inmate may pose a substantial danger to public safety, the Board of Prison Terms shall conduct a hearing to determine if the parolee shall be subject to a single additional five-year period of parole. The board shall conduct the hearing pursuant to the procedures and standards governing parole revocation. The request for parole extension shall be made no less than 180 days prior to the expiration of the initial five-year period of parole.

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

(5) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1) or (2), as the case may



be, whichever is earlier, the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this subdivision and paragraphs (1) and (2) shall be computed from the date of initial parole and shall be a period chronologically determined. Time during which parole is suspended because the prisoner has absconded or has been returned to custody as a parole violator shall not be credited toward any period of parole unless the prisoner is found not guilty of the parole violation. However, in no case, except as provided in Section 3064, may a prisoner subject to three years on parole be retained under parole supervision or in custody for a period longer than four years from the date of his or her initial parole, and, except as provided in Section 3064, in no case may a prisoner subject to five years on parole be retained under parole supervision or in custody for a period longer than seven years from the date of his or her initial parole.

(6) The Department of Corrections shall meet with each inmate at least 30 days prior to his or her good time release date and shall provide, under guidelines specified by the parole authority, the conditions of parole and the length of parole up to the maximum period of time provided by law. The inmate has the right to reconsideration of the length of parole and conditions thereof by the parole authority. The Department of Corrections or the Board of Prison Terms may impose as a condition of parole that a prisoner make payments on the prisoner's outstanding restitution fines or orders imposed pursuant to subdivision (a) or (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, or subdivision (b) or (f) of Section 1202.4.

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

(8) The sole authority to issue warrants for the return to actual custody of any state prisoner released on parole rests with the Board of Prison Terms, except for any escaped state prisoner or any state prisoner released prior



to his or her scheduled release date who should be returned to custody, and Section 3060 shall apply.

SEC. 4. Section 3000.1 of the Penal Code is amended to read:

3000.1. (a) In the case of any inmate sentenced under Section 1168 for any offense of first or second degree murder with a maximum term of life imprisonment, the period of parole, if parole is granted, shall be the remainder of the inmate's life.

(b) Notwithstanding any other provision of law, when any person referred to in subdivision (a) has been released on parole from the state prison, and has been on parole continuously for seven years in the case of any person imprisoned for first degree murder, and five years in the case of any person imprisoned for second degree murder, rape, or child molestation, since release from confinement, the board shall, within 30 days, discharge that person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and transmit a copy of it to the parolee.

(c) In the event of a retention on parole, the parolee shall be entitled to a review by the board each year thereafter.

(d) There shall be a hearing as provided in Sections 3041.5 and 3041.7 within 12 months of the date of any revocation of parole to consider the release of the inmate on parole, and notwithstanding the provisions of paragraph (2) of subdivision (b) of Section 3041.5, there shall be annual parole consideration hearings thereafter, unless the person is released or otherwise ineligible for parole release. The panel or board shall release the person within one year of the date of the revocation unless it determines that the circumstances and gravity of the parole violation are such that consideration of the public safety requires a more lengthy period of incarceration or unless there is a new prison commitment following a conviction.

(e) The provisions of Section 3042 shall not apply to any hearing held pursuant to this section.



SEC. 5. Article 1.5 (commencing with Section 3005) is added to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:

Article 1.5. Intensive Parole Supervision of Sex
Offenders

3005. (a) The Department of Corrections, to the maximum extent practicable and feasible, and subject to legislative appropriation of necessary funds, shall ensure, by July 1, 2001, that all parolees under active supervision and deemed to pose a high risk to the public of committing violent sex crimes shall be placed on an intensive and specialized parole supervision caseload.

(b) The Department of Corrections shall develop and, at the discretion of the director, and subject to an appropriation of the necessary funds, may implement a plan for the implementation of relapse prevention treatment programs, and the provision of other services deemed necessary by the department, in conjunction with intensive and specialized parole supervision, to reduce the recidivism of high-risk sex offenders.

(c) The Department of Corrections shall study the effects of this legislation on recidivism rates of parolees. The study shall be a two-year analysis completed by January 1, 2003, with an initial report to the Legislature on or before January 1, 2004, and a final report on or before January 1, 2006.

(d) This section shall remain in effect only until July 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2006, deletes or extends that date.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Thousands of adult sex offenders are being released each year to state parole supervision who are deemed to pose a high risk of committing new sex crimes and other



violent acts. Very few of these offenders are receiving adequate parole supervision, few receive any treatment while in prison to curb their pattern of criminal activities, and only a fraction receive intensive supervision, treatment, and control after they are released into the community. In order to address these significant public safety concerns, it is essential that this act take effect immediately.



Approved _____, 2000

Governor

