

AMENDED IN ASSEMBLY MAY 18, 1999
AMENDED IN ASSEMBLY MAY 6, 1999
AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1689

Introduced by Assembly Member Briggs
(Principal coauthor: Senator Poochigian)
(Coauthors: Assembly Members Ashburn, Cardoza, Florez,
House, and Reyes)
(Coauthor: Senator Costa)

March 22, 1999

An act to add Section 3058.9 to the Penal Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

AB 1689, as amended, Briggs. ~~Parole~~ *Child welfare*.

Existing law provides that with respect to certain convicted violent felons, the Department of Corrections is required to notify, as specified, the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person is scheduled to be released. Existing law further provides that the agencies receiving the notice may provide written comment to the board or department regarding the impending release; the comments shall be considered by the board or department which may, based on those comments, modify its decision regarding the

community in which the person is scheduled to be released; and the comments shall become a part of the inmate's file.

This bill, to be known as, and cited as, "Dustin's Law," would provide, in addition, that whenever a person confined to the state prison is serving a term for the conviction of either child abuse or child molestation, as specified, the Board of Prison Terms or the Department of Corrections shall notify, in a manner similar to that provided in the above provisions, ~~the agency of the child protective services and the agency of the Department of Justice having jurisdiction over the community in which the person is scheduled to be released.~~ The bill would require that the terms *and conditions* of parole be provided to ~~these agencies~~ *the department* as well as to ~~the immediate family of the parolee, and to the local law enforcement and welfare offices~~ *agency* having jurisdiction over the community in which the person is scheduled to be released.

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. This act shall be known as, and may be
2 cited as, "Dustin's Law."

3 SEC. 2. Section 3058.9 is added to the Penal Code, to
4 read:

5 3058.9. (a) (1) Whenever any person confined to
6 the state prison is serving a term for the conviction of
7 either child abuse, as the result of a violation of any of the
8 provisions specified in Section 11165.6, or child
9 molestation, as the result of a violation of ~~subdivision (a)~~
10 ~~of Section 288~~ *Section 288 or 288.5*, the Board of Prison
11 Terms, with respect to inmates sentenced pursuant to
12 subdivision (b) of Section 1168, or the Department of
13 Corrections, with respect to inmates sentenced pursuant
14 to Section 1170, shall notify ~~the agency of child protective~~
15 ~~services and the agency of the Department of Justice~~
16 ~~having jurisdiction over the community to which the~~
17 ~~person is scheduled to be released on parole, or rereleased~~
18 ~~following a period of confinement pursuant to a parole~~



1 ~~revocation without a new commitment, the Department~~
2 ~~of Justice in the manner specified in subdivision (b).~~

3 (2) In addition, notice of the terms *and conditions* of
4 the inmate's parole shall be provided to the ~~immediate~~
5 ~~family of the parolee, and to the local law enforcement~~
6 ~~and the local welfare office~~ *local law enforcement agency*
7 of the community to which the person is scheduled to be
8 released on parole, or rereleased following a period of
9 confinement pursuant to a parole revocation without a
10 new commitment. For the purposes ~~of this paragraph,~~
11 ~~“immediate family of the parolee” means the parents,~~
12 ~~siblings, and spouse of the parolee, and of this paragraph,~~
13 “local law enforcement” means the chief of police of the
14 city in which the parolee is to reside, and the sheriff of the
15 county in which the parolee is to reside if the parolee is
16 to reside outside the limits of any city.

17 (b) (1) The notification shall be made by mail at least
18 45 days prior to the scheduled release date, except as
19 provided in paragraph (2). In all cases, the notification
20 shall include the name of the person who is scheduled to
21 be released, the terms *and conditions* of the person's
22 parole, whether or not the person is required to register
23 with local law enforcement, and the community in which
24 the person will reside. The notification shall specify the
25 office within the Department of Corrections with the
26 authority to make the final determination and
27 adjustments regarding parole location decisions.

28 (2) When notification cannot be provided within the
29 45 days due to the unanticipated release date change of
30 an inmate as a result of an order from the court, an action
31 by the Board of Prison Terms, the granting of an
32 administrative appeal, or a finding of not guilty or
33 dismissal of a disciplinary action, that affects the sentence
34 of the inmate, or due to a modification of the
35 department's decision regarding the community into
36 which the person is scheduled to be released pursuant to
37 paragraph (3), the department shall provide notification
38 as soon as practicable, but in no case less than 24 hours
39 after the final decision is made regarding where the
40 parolee will be released.



1 (3) Those agencies receiving the notice referred to in
2 this subdivision may provide written comment to the
3 board or department regarding the impending release.
4 Agencies that choose to provide written comments shall
5 respond within 30 days prior to the inmate's scheduled
6 release, unless an agency received less than 45 days'
7 notice of the impending release, in which case the agency
8 shall respond as soon as practicable prior to the scheduled
9 release. Those comments shall be considered by the
10 board or department which may, based on those
11 comments, modify its decision regarding the community
12 in which the person is scheduled to be released. The
13 Department of Corrections shall respond in writing not
14 less than 15 days prior to the scheduled release with a final
15 determination as to whether to adjust the parole location
16 and documenting the basis for its decision, unless the
17 department received comments less than 30 days prior to
18 the impending release, in which case the department
19 shall respond as soon as practicable prior to the scheduled
20 release. The comments shall become a part of the
21 inmate's file.

22 (c) ~~If the court orders the immediate release of an~~
23 ~~inmate, the department shall notify the agency of child~~
24 ~~protective services and the agency of the Department of~~
25 ~~Justice having jurisdiction over the community in which~~
26 ~~the person is scheduled to be released on parole at the~~
27 ~~time of release. Department of Justice.~~

28 (d) In no case shall notice required by this section to
29 the appropriate agency be later than the day of release on
30 parole.

31 ~~(e) In the event that an agency of child protective~~
32 ~~services is notified pursuant to this section regarding the~~
33 ~~release of an inmate, the agency shall reopen any closed~~
34 ~~case concerning the inmate's child and shall monitor the~~
35 ~~welfare of that child.~~

36 ~~(f) The department, and any entity or official~~
37 ~~authorized to provide notice pursuant to this section, and~~
38 ~~any public agency or entity employing the official, shall~~



1 ~~not be liable for providing or failing to provide notice~~
2 ~~pursuant to this section.~~

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