

Senate Bill No. 499

CHAPTER 652

An act to amend Section 4801 of the Penal Code, relating to imprisonment.

[Approved by Governor September 24, 2000. Filed
with Secretary of State September 26, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 499, Burton. Imprisonment: parole.

Existing law provides that the Board of Prison Terms may report to the Governor the names of persons imprisoned in any state prison who ought to have a commutation of sentence or be pardoned and set at liberty for any cause, including evidence of battered woman syndrome, as defined.

This bill would require the board, in reviewing a prisoner's suitability for parole, as specified, to consider any information or evidence that, at the time of the commission of the crime, the prisoner had suffered from battered woman syndrome, but was convicted of the offense prior to the enactment of Section 1107 of the Evidence Code by Chapter 812 of the Statutes of 1991. This bill would also require the board to state on the record the information or evidence it considered pursuant to these provisions, and the reasons for the parole decision. This bill would require the board to report annually to the Legislature and the Governor, as specified.

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

SECTION 1. Section 4801 of the Penal Code is amended to read:

4801. (a) The Board of Prison Terms may report to the Governor, from time to time, the names of any and all persons imprisoned in any state prison who, in its judgment, ought to have a commutation of sentence or be pardoned and set at liberty on account of good conduct, or unusual term of sentence, or any other cause, including evidence of battered woman syndrome. For purposes of this section, "evidence of battered woman syndrome" may include evidence of the effects of physical, emotional, or mental abuse upon the beliefs, perceptions, or behavior of victims of domestic violence where it appears the criminal behavior was the result of that victimization.

(b) The Board of Prison Terms, in reviewing a prisoner's suitability for parole pursuant to Section 3041.5, shall consider any information or evidence that, at the time of the commission of the crime, the prisoner had suffered from battered woman syndrome,



but was convicted of the offense prior to the enactment of Section 1107 of the Evidence Code by Chapter 812 of the Statutes of 1991. The board shall state on the record the information or evidence that it considered pursuant to this subdivision, and the reasons for the parole decision. The board shall annually report to the Legislature and the Governor on the cases the board considered pursuant to this subdivision during the previous year, including the board's decision and the findings of its investigations of these cases.

