

Senate Bill No. 580

CHAPTER 561

An act to amend Sections 649.92 and 3003 of, and to add Section 3058.61 to, the Penal Code, relating to stalkers.

[Approved by Governor September 18, 2000. Filed
with Secretary of State September 20, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 580, Lewis. Stalkers.

Under existing law, stalking is a crime. Existing law contains various provisions for the notification of victims of stalkers of release from custody.

Existing law requires the Department of Corrections, county sheriff, or director of the local department of corrections to give notice to victims and other specified persons of the release of any person who is convicted of stalking or convicted of a felony offense involving domestic violence.

This bill would also require notice of any change in parole status or location, as specified. It would require additional attempts to locate victims whose address or telephone number is incorrect, or who did not originally request notice. By imposing additional duties on local law enforcement officials, the bill would impose a state-mandated local program.

This bill would also require that when a person convicted of stalking is to be released from confinement, the department notify the sheriff, police chief, or both, and the district attorney, for the community where the person was convicted and for the community into which the person will be released, as specified.

Existing law generally regulates conditions of parole, including restrictions on where parolees may be located upon release.

This bill would provide that an inmate released on parole for an offense involving stalking may not be returned to a location within 35 miles of the victim's residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate upon 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 the victim.

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.

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

SECTION 1. Section 646.92 of the Penal Code is amended to read:

646.92. (a) The Department of Corrections, county sheriff, or director of the local department of corrections shall give notice not less than 15 days prior to the release from the state prison or a county jail of any person who is convicted of violating Section 646.9 or convicted of a felony offense involving domestic violence, as defined in Section 6211 of the Family Code, or any change in the parole status or relevant change in the parole location of the convicted person, or if the convicted person absconds from supervision while on parole, to any person the court identifies as a victim of the offense, a family member of the victim, or a witness to the offense by telephone and certified mail at his or her last known address, upon request. A victim, family member, or witness shall keep the Department of Corrections or county sheriff informed of his or her current mailing address and telephone number to be entitled to receive notice. A victim may designate another person for the purpose of receiving notification. The Department of Corrections, county sheriff, or director of the local department of corrections, shall make reasonable attempts to locate a person who has requested notification but whose address and telephone number are incorrect or not current. However, the duty to keep the Department of Corrections or county sheriff informed of a current mailing address and telephone number shall remain with the victim.

Following notification by the department pursuant to Section 3058.61, in the event the victim had not originally requested notification under this section, the sheriff or the chief of police, as appropriate, shall make an attempt to advise the victim or, if the victim is a minor, the parent or guardian of the victim, of the victim's right to notification under this section.

(b) All information relating to any person who receives notice under this section shall remain confidential and shall not be made available to the person convicted of violating this section.

(c) For purposes of this section, "release" includes a release from the state prison or a county jail because time has been served, a release from the state prison or a county jail to parole or probation supervision, or an escape from an institution or reentry facility.

(d) The Department of Corrections or county sheriff shall give notice of an escape from an institution or reentry facility of any



person convicted of violating Section 646.9 or convicted of a felony offense involving domestic violence, as defined in Section 6211 of the Family Code, to the notice recipients described in subdivision (a).

(e) Substantial compliance satisfies the notification requirements of subdivision (a).

SEC. 2. Section 3003 of the Penal Code is amended to read:

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

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

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

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

(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.



(e) (1) The following information, if available, shall be released by the Department of Corrections to local law enforcement agencies regarding a paroled inmate who is released in their jurisdictions:

- (A) Last, first, and middle name.
 - (B) Birth date.
 - (C) Sex, race, height, weight, and hair and eye color.
 - (D) Date of parole and discharge.
 - (E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.
 - (F) California Criminal Information Number, FBI number, social security number, and driver's license number.
 - (G) County of commitment.
 - (H) A description of scars, marks, and tattoos on the inmate.
 - (I) Offense or offenses for which the inmate was convicted that resulted in parole in this instance.
 - (J) Address, including all of the following information:
 - (i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.
 - (ii) City and ZIP Code.
 - (iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.
 - (K) Contact officer and unit, including all of the following information:
 - (i) Name and telephone number of each contact officer.
 - (ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.
 - (L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.
 - (M) A geographic coordinate for the parolee's residence location for use with a Geographical Information System (GIS) or comparable computer program.
- (2) The information required by this subdivision shall come from the statewide parolee data base. The information obtained from each source shall be based on the same timeframe.
- (3) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.
- (4) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.
- (f) Notwithstanding any other provision of law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on any person other than an accomplice that has been charged



and proved as provided for in Section 12022.53, 12022.7, or 12022.9, 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.

(g) Notwithstanding any other law, an inmate who is released on parole for any violation of Section 288 or 288.5 shall not be placed or reside, for the duration of his or her period of parole, within one-quarter mile of any school including any or all of grades kindergarten to 6, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole for an offense involving stalking shall not be returned to a location within 35 miles of the victim's actual residence or place of employment 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 the victim.

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

(j) An inmate may be paroled to another state pursuant to any other law.

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

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

SEC. 3. Section 3058.61 is added to the Penal Code, to read:

3058.61. Whenever any person confined to state prison is serving a term for a conviction of Section 646.9, the Department of Corrections shall notify by mail, at least 45 days prior to the person's scheduled release date, the sheriff or chief of police, or both, and the district attorney who has jurisdiction over the community in which the person was convicted, and the sheriff, chief of police, or both, and the district attorney having jurisdiction over the community in which the person is scheduled to be released on parole, or released following a period of confinement pursuant to a parole revocation without a new commitment. The notification shall indicate whether the victim has requested notification from the department pursuant to Section 646.92.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local



agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

