

**ASSEMBLY BILL**

**No. 148**

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**Introduced by Assembly Members Alarcon and Parra**

January 17, 2007

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An act to amend Sections 290.46 and 3003 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 148, as introduced, Alarcon. Sex offenders.

Existing law authorizes the use of any information relating to sex offenders disclosed on the Internet Web site maintained by the Department of Justice only to protect a person at risk and prohibits the use of the information for purposes relating to health insurance, insurance, loans, credit, employment, education, scholarships, or fellowships, housing or accommodations, or benefits, privileges, or services provided by any business establishment.

This bill would remove the prohibition against using the information for purposes relating to housing or accommodation and would authorize that a lessor of residential real property may refuse to provide housing to, or evict, a sex offender whose residence address is made available on the Web site. This bill would also provide that a lessor may inform other residents of that residential real property that a person whose residence address is made available on the Internet Web site also resides in the residential real property.

Existing law, as amended by Proposition 83 of the November 7, 2006, statewide general election, requires the Department of Corrections and Rehabilitation to place a parolee in an appropriate county upon the parolee's release from prison, as determined by specified conditions.

This bill would add the condition that inmates who are released on parole for violation of any sexual offense for which registration is required pursuant to specified provisions be evenly placed throughout the state, as specified.

Proposition 83 permits the Legislature, by majority vote of the membership of each house, to amend the provisions of the act to expand the scope of the application of the provisions of Proposition 83.

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. Section 290.46 of the Penal Code is amended to  
2 read:  
3 290.46. (a) (1) On or before the dates specified in this section,  
4 the Department of Justice shall make available information  
5 concerning persons who are required to register pursuant to Section  
6 290 to the public via an Internet Web site as specified in this  
7 section. The department shall update the Internet Web site on an  
8 ongoing basis. All information identifying the victim by name,  
9 birth date, address, or relationship to the registrant shall be  
10 excluded from the Internet Web site. The name or address of the  
11 person’s employer and the listed person’s criminal history other  
12 than the specific crimes for which the person is required to register  
13 shall not be included on the Internet Web site. The Internet Web  
14 site shall be translated into languages other than English as  
15 determined by the department.  
16 (2) (A) On or before July 1, 2010, the Department of Justice  
17 shall make available to the public, via an Internet Web site as  
18 specified in this section, as to any person described in subdivisions  
19 (b), (c), or (d), the following information:  
20 (i) The year of conviction of his or her most recent offense  
21 requiring registration pursuant to Section 290.  
22 (ii) The year he or she was released from incarceration for that  
23 offense.  
24 (iii) Whether he or she was subsequently incarcerated for any  
25 other felony, if that fact is reported to the department. If the  
26 department has no information about a subsequent incarceration  
27 for any felony, that fact shall be noted on the Internet Web site.

1 However, no year of conviction shall be made available to the  
2 public unless the department also is able to make available the  
3 corresponding year of release of incarceration for that offense, and  
4 the required notation regarding any subsequent felony.

5 (B) (i) Any state facility that releases from incarceration a  
6 person who was incarcerated because of a crime for which he or  
7 she is required to register as a sex offender pursuant to Section  
8 290 shall, within 30 days of release, provide the year of release  
9 for his or her most recent offense requiring registration to the  
10 Department of Justice in a manner and format approved by the  
11 department.

12 (ii) Any state facility that releases a person who is required to  
13 register pursuant to Section 290 from incarceration whose  
14 incarceration was for a felony committed subsequently to the  
15 offense for which he or she is required to register shall, within 30  
16 days of release, advise the Department of Justice of that fact.

17 (iii) Any state facility that, prior to January 1, 2007, released  
18 from incarceration a person who was incarcerated because of a  
19 crime for which he or she is required to register as a sex offender  
20 pursuant to Section 290 shall provide the year of release for his or  
21 her most recent offense requiring registration to the Department  
22 of Justice in a manner and format approved by the department.  
23 The information provided by the Department of Corrections and  
24 Rehabilitation shall be limited to information that is currently  
25 maintained in an electronic format.

26 (iv) Any state facility that, prior to January 1, 2007, released a  
27 person who is required to register pursuant to Section 290 from  
28 incarceration whose incarceration was for a felony committed  
29 subsequently to the offense for which he or she is required to  
30 register shall advise the Department of Justice of that fact in a  
31 manner and format approved by the department. The information  
32 provided by the Department of Corrections and Rehabilitation  
33 shall be limited to information that is currently maintained in an  
34 electronic format.

35 (3) The Department of Mental Health shall provide to the  
36 Department of Justice Sex Offender Tracking Program the names  
37 of all persons committed to its custody pursuant to Article 4  
38 (commencing with Section 6600) of Chapter 2 of Part 2 of Division  
39 6 of the Welfare and Institutions Code, within 30 days of

1 commitment, and shall provide the names of all of those persons  
2 released from its custody within five working days of release.  
3 (b) (1) On or before July 1, 2005, with respect to a person who  
4 has been convicted of the commission or the attempted commission  
5 of any of the offenses listed in, or who is described in, paragraph  
6 (2), the Department of Justice shall make available to the public  
7 via the Internet Web site his or her name and known aliases, a  
8 photograph, a physical description, including gender and race, date  
9 of birth, criminal history, prior adjudication as a sexually violent  
10 predator, the address at which the person resides, and any other  
11 information that the Department of Justice deems relevant, but not  
12 the information excluded pursuant to subdivision (a).  
13 (2) This subdivision shall apply to the following offenses and  
14 offenders:  
15 (A) Section 207 committed with intent to violate Section 261,  
16 286, 288, 288a, or 289.  
17 (B) Section 209 committed with intent to violate Section 261,  
18 286, 288, 288a, or 289.  
19 (C) Paragraph (2) or (6) of subdivision (a) of Section 261.  
20 (D) Section 264.1.  
21 (E) Section 269.  
22 (F) Subdivision (c) or (d) of Section 286.  
23 (G) Subdivision (a), (b), or (c) of Section 288, provided that the  
24 offense is a felony.  
25 (H) Subdivision (c) or (d) of Section 288a.  
26 (I) Section 288.3, provided that the offense is a felony.  
27 (J) Section 288.5.  
28 (K) Subdivision (a) or (j) of Section 289.  
29 (L) Section 288.7.  
30 (M) Any person who has ever been adjudicated a sexually  
31 violent predator as defined in Section 6600 of the Welfare and  
32 Institutions Code.  
33 (c) (1) On or before July 1, 2005, with respect to a person who  
34 has been convicted of the commission or the attempted commission  
35 of any of the offenses listed in paragraph (2), the Department of  
36 Justice shall make available to the public via the Internet Web site  
37 his or her name and known aliases, a photograph, a physical  
38 description, including gender and race, date of birth, criminal  
39 history, the community of residence and ZIP Code in which the  
40 person resides or the county in which the person is registered as a

1 transient, and any other information that the Department of Justice  
2 deems relevant, but not the information excluded pursuant to  
3 subdivision (a). On or before July 1, 2006, the Department of  
4 Justice shall determine whether any person convicted of an offense  
5 listed in paragraph (2) also has one or more prior or subsequent  
6 convictions of an offense listed in paragraph (2) of subdivision (a)  
7 of Section 290, and, for those persons, the Department of Justice  
8 shall make available to the public via the Internet Web site the  
9 address at which the person resides. However, the address at which  
10 the person resides shall not be disclosed until a determination is  
11 made that the person is, by virtue of his or her additional prior or  
12 subsequent conviction of an offense listed in paragraph (2) of  
13 subdivision (a) of Section 290, subject to this subdivision.

14 (2) This subdivision shall apply to the following offenses:

15 (A) Section 220, except assault to commit mayhem.

16 (B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

17 (C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or  
18 (i), of Section 286.

19 (D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or  
20 (i), of Section 288a.

21 (E) Subdivision (b), (d), (e), or (i) of Section 289.

22 (d) (1) On or before July 1, 2005, with respect to a person who  
23 has been convicted of the commission or the attempted commission  
24 of any of the offenses listed in, or who is described in, this  
25 subdivision, the Department of Justice shall make available to the  
26 public via the Internet Web site his or her name and known aliases,  
27 a photograph, a physical description, including gender and race,  
28 date of birth, criminal history, the community of residence and  
29 ZIP Code in which the person resides or the county in which the  
30 person is registered as a transient, and any other information that  
31 the Department of Justice deems relevant, but not the information  
32 excluded pursuant to subdivision (a) or the address at which the  
33 person resides.

34 (2) This subdivision shall apply to the following offenses and  
35 offenders:

36 (A) Subdivision (a) of Section 243.4, provided that the offense  
37 is a felony.

38 (B) Section 266, provided that the offense is a felony.

39 (C) Section 266c, provided that the offense is a felony.

40 (D) Section 266j.

1 (E) Section 267.

2 (F) Subdivision (c) of Section 288, provided that the offense is  
3 a misdemeanor.

4 (G) Section 288.3, provided that the offense is a misdemeanor.

5 (H) Section 626.81.

6 (I) Section 647.6.

7 (J) Section 653c.

8 (K) Any person required to register pursuant to Section 290  
9 based upon an out-of-state conviction, unless that person is  
10 excluded from the Internet Web site pursuant to subdivision (e).  
11 However, if the Department of Justice has determined that the  
12 out-of-state crime, if committed or attempted in this state, would  
13 have been punishable in this state as a crime described in  
14 subparagraph (A) of paragraph (2) of subdivision (a) of Section  
15 290, the person shall be placed on the Internet Web site as provided  
16 in subdivision (b) or (c), as applicable to the crime.

17 (e) (1) If a person has been convicted of the commission or the  
18 attempted commission of any of the offenses listed in this  
19 subdivision, and he or she has been convicted of no other offense  
20 listed in subdivision (b), (c), or (d) other than those listed in this  
21 subdivision, that person may file an application with the  
22 Department of Justice, on a form approved by the department, for  
23 exclusion from the Internet Web site. If the department determines  
24 that the person meets the requirements of this subdivision, the  
25 department shall grant the exclusion and no information concerning  
26 the person shall be made available via the Internet Web site  
27 described in this section. He or she bears the burden of proving  
28 the facts that make him or her eligible for exclusion from the  
29 Internet Web site. However, a person who has filed for or been  
30 granted an exclusion from the Internet Web site is not relieved of  
31 his or her duty to register as a sex offender pursuant to Section  
32 290 nor from any otherwise applicable provision of law.

33 (2) This subdivision shall apply to the following offenses:

34 (A) A felony violation of subdivision (a) of Section 243.4.

35 (B) Section 647.6, if the offense is a misdemeanor.

36 (C) (i) An offense for which the offender successfully  
37 completed probation, provided that the offender submits to the  
38 department a certified copy of a probation report, presentencing  
39 report, report prepared pursuant to Section 288.1, or other official  
40 court document that clearly demonstrates that the offender was

1 the victim’s parent, stepparent, sibling, or grandparent and that the  
2 crime did not involve either oral copulation or penetration of the  
3 vagina or rectum of either the victim or the offender by the penis  
4 of the other or by any foreign object.

5 (ii) An offense for which the offender is on probation at the  
6 time of his or her application, provided that the offender submits  
7 to the department a certified copy of a probation report,  
8 presentencing report, report prepared pursuant to Section 288.1,  
9 or other official court document that clearly demonstrates that the  
10 offender was the victim’s parent, stepparent, sibling, or grandparent  
11 and that the crime did not involve either oral copulation or  
12 penetration of the vagina or rectum of either the victim or the  
13 offender by the penis of the other or by any foreign object.

14 (iii) If, subsequent to his or her application, the offender commits  
15 a violation of probation resulting in his or her incarceration in  
16 county jail or state prison, his or her exclusion, or application for  
17 exclusion, from the Internet Web site shall be terminated.

18 (iv) For the purposes of this subparagraph, “successfully  
19 completed probation” means that during the period of probation  
20 the offender neither received additional county jail or state prison  
21 time for a violation of probation nor was convicted of another  
22 offense resulting in a sentence to county jail or state prison.

23 (3) If the department determines that a person who was granted  
24 an exclusion under a former version of this subdivision would not  
25 qualify for an exclusion under the current version of this  
26 subdivision, the department shall rescind the exclusion, make a  
27 reasonable effort to provide notification to the person that the  
28 exclusion has been rescinded, and, no sooner than 30 days after  
29 notification is attempted, make information about the offender  
30 available to the public on the Internet Web site as provided in this  
31 section.

32 (4) Effective January 1, 2012, no person shall be excluded  
33 pursuant to this subdivision unless the offender has submitted to  
34 the department documentation sufficient for the department to  
35 determine that he or she has a SARATSO risk level of low or  
36 moderate-low.

37 (f) The Department of Justice shall make a reasonable effort to  
38 provide notification to persons who have been convicted of the  
39 commission or attempted commission of an offense specified in  
40 subdivision (b), (c), or (d), that on or before July 1, 2005, the

1 department is required to make information about specified sex  
2 offenders available to the public via an Internet Web site as  
3 specified in this section. The Department of Justice shall also make  
4 a reasonable effort to provide notice that some offenders are  
5 eligible to apply for exclusion from the Internet Web site.

6 (g) (1) A designated law enforcement entity, as defined in  
7 subdivision (f) of Section 290.45, may make available information  
8 concerning persons who are required to register pursuant to Section  
9 290 to the public via an Internet Web site as specified in paragraph  
10 (2).

11 (2) The law enforcement entity may make available by way of  
12 an Internet Web site the information described in subdivision (c)  
13 if it determines that the public disclosure of the information about  
14 a specific offender by way of the entity's Internet Web site is  
15 necessary to ensure the public safety based upon information  
16 available to the entity concerning that specific offender.

17 (3) The information that may be provided pursuant to this  
18 subdivision may include the information specified in subdivision  
19 (b) of Section 290.45. However, that offender's address may not  
20 be disclosed unless he or she is a person whose address is on the  
21 Department of Justice's Internet Web site pursuant to subdivision  
22 (b) or (c).

23 (h) For purposes of this section, "offense" includes the statutory  
24 predecessors of that offense, or any offense committed in another  
25 jurisdiction that, if committed or attempted to be committed in this  
26 state, would have been punishable in this state as an offense listed  
27 in subparagraph (A) of paragraph (2) of subdivision (a) of Section  
28 290.

29 (i) Notwithstanding Section 6254.5 of the Government Code,  
30 disclosure of information pursuant to this section is not a waiver  
31 of exemptions under Chapter 3.5 (commencing with Section 6250)  
32 of Title 1 of Division 7 of the Government Code and does not  
33 affect other statutory restrictions on disclosure in other situations.

34 (j) (1) Any person who uses information disclosed pursuant to  
35 this section to commit a misdemeanor shall be subject to, in  
36 addition to any other penalty or fine imposed, a fine of not less  
37 than ten thousand dollars (\$10,000) and not more than fifty  
38 thousand dollars (\$50,000).

39 (2) Any person who uses information disclosed pursuant to this  
40 section to commit a felony shall be punished, in addition and

1 consecutive to any other punishment, by a five-year term of  
2 imprisonment in the state prison.

3 (k) Any person who is required to register pursuant to Section  
4 290 who enters an Internet Web site established pursuant to this  
5 section shall be punished by a fine not exceeding one thousand  
6 dollars (\$1,000), imprisonment in a county jail for a period not to  
7 exceed six months, or by both that fine and imprisonment.

8 (l) (1) A person is authorized to use information disclosed  
9 pursuant to this section only to protect a person at risk.

10 (2) (A) *Based upon the information disclosed pursuant to this*  
11 *section, a lessor or an agent of a lessor of residential real property*  
12 *may, but is not required to, refuse to provide housing to or evict*  
13 *a sex offender whose residence address must be made available*  
14 *to the public pursuant to this section. Based upon the information*  
15 *disclosed pursuant to this section, a lessor or an agent of the lessor*  
16 *of residential real property may, but is not required to, inform*  
17 *other residents that a person whose residence address must be*  
18 *made available to the public pursuant to this section also resides*  
19 *in the residential real property.*

20 (B) *However, nothing in subparagraph (A) shall be construed*  
21 *to diminish in any way any power or right that any person,*  
22 *including, but not limited to, any service provider or lessor of*  
23 *residential real property, may have, pursuant to paragraph (1),*  
24 *to use information disclosed pursuant to this section to protect a*  
25 *person at risk from an individual who is required to register as a*  
26 *sex offender pursuant to Section 290, including those persons*  
27 *whose residence address is not made available to the public*  
28 *pursuant to this section.*

29 ~~(2)~~

30 (3) Except as authorized under paragraph (1) or (2) or any other  
31 provision of law, use of any information that is disclosed pursuant  
32 to this section for purposes relating to any of the following is  
33 prohibited:

34 (A) Health insurance.

35 (B) Insurance.

36 (C) Loans.

37 (D) Credit.

38 (E) Employment.

39 (F) Education, scholarships, or fellowships.

40 ~~(G) Housing or accommodations.~~

1     ~~(H)~~  
2     (G) Benefits, privileges, or services provided by any business  
3 establishment.

4     ~~(3)~~  
5     (4) This section shall not affect authorized access to, or use of,  
6 information pursuant to, among other provisions, Sections 11105  
7 and 11105.3, Section 8808 of the Family Code, Sections 777.5  
8 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871  
9 of the Health and Safety Code, and Section 432.7 of the Labor  
10 Code.

11     ~~(4)~~  
12     (5) (A) Any use of information disclosed pursuant to this section  
13 for purposes other than those provided by paragraph (1) or in  
14 violation of paragraph (2) shall make the user liable for the actual  
15 damages, and any amount that may be determined by a jury or a  
16 court sitting without a jury, not exceeding three times the amount  
17 of actual damage, and not less than two hundred fifty dollars  
18 (\$250), and attorney’s fees, exemplary damages, or a civil penalty  
19 not exceeding twenty-five thousand dollars (\$25,000).

20     (B) Whenever there is reasonable cause to believe that any  
21 person or group of persons is engaged in a pattern or practice of  
22 misuse of the information available via an Internet Web site  
23 established pursuant to this section in violation of paragraph (2),  
24 the Attorney General, any district attorney, or city attorney, or any  
25 person aggrieved by the misuse is authorized to bring a civil action  
26 in the appropriate court requesting preventive relief, including an  
27 application for a permanent or temporary injunction, restraining  
28 order, or other order against the person or group of persons  
29 responsible for the pattern or practice of misuse. The foregoing  
30 remedies shall be independent of any other remedies or procedures  
31 that may be available to an aggrieved party under other provisions  
32 of law, including Part 2 (commencing with Section 43) of Division  
33 1 of the Civil Code.

34     (m) The public notification provisions of this section are  
35 applicable to every person described in this section, without regard  
36 to when his or her crimes were committed or his or her duty to  
37 register pursuant to Section 290 arose, and to every offense  
38 described in this section, regardless of when it was committed.

1 (n) On or before July 1, 2006, and every year thereafter, the  
2 Department of Justice shall make a report to the Legislature  
3 concerning the operation of this section.

4 (o) A designated law enforcement entity and its employees shall  
5 be immune from liability for good faith conduct under this section.

6 (p) The Attorney General, in collaboration with local law  
7 enforcement and others knowledgeable about sex offenders, shall  
8 develop strategies to assist members of the public in understanding  
9 and using publicly available information about registered sex  
10 offenders to further public safety. These strategies may include,  
11 but are not limited to, a hotline for community inquiries,  
12 neighborhood and business guidelines for how to respond to  
13 information posted on this Web site, and any other resource that  
14 promotes public education about these offenders.

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

16 3003. (a) Except as otherwise provided in this section, an  
17 inmate who is released on parole shall be returned to the county  
18 that was the last legal residence of the inmate prior to his or her  
19 incarceration. For purposes of this subdivision, “last legal  
20 residence” shall not be construed to mean the county wherein the  
21 inmate committed an offense while confined in a state prison or  
22 local jail facility or while confined for treatment in a state hospital.

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

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

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

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

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

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

9 *(c) Notwithstanding subdivisions (a) and (b), the department*  
10 *shall ensure that inmates who are released on parole for violation*  
11 *of any offense for which registration is required pursuant to Section*  
12 *290 are evenly placed throughout the state geographically based*  
13 *on Assembly districts.*

14 ~~(e)~~

15 ~~(d) The Department of Corrections~~ *department*, in determining  
16 an out-of-county commitment, shall give priority to the safety of  
17 the community and any witnesses and victims.

18 ~~(e)~~

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

26 ~~(e)~~

27 *(f) (1) The following information, if available, shall be released*  
28 *by the* ~~Department of Corrections~~ *department* *to local law*  
29 *enforcement agencies regarding a paroled inmate who is released*  
30 *in their jurisdictions:*

31 (A) Last, first, and middle name.

32 (B) Birth date.

33 (C) Sex, race, height, weight, and hair and eye color.

34 (D) Date of parole and discharge.

35 (E) Registration status, if the inmate is required to register as a  
36 result of a controlled substance, sex, or arson offense.

37 (F) California Criminal Information Number, FBI number, social  
38 security number, and driver’s license number.

39 (G) County of commitment.

40 (H) A description of scars, marks, and tattoos on the inmate.

- 1 (I) Offense or offenses for which the inmate was convicted that  
2 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 are not  
5 acceptable for purposes of this subparagraph.
- 6 (ii) City and ZIP Code.
- 7 (iii) Date that the address provided pursuant to this subparagraph  
8 was proposed to be effective.
- 9 (K) Contact officer and unit, including all of the following  
10 information:
- 11 (i) Name and telephone number of each contact officer.
- 12 (ii) Contact unit type of each contact officer such as units  
13 responsible for parole, registration, or county probation.
- 14 (L) A digitized image of the photograph and at least a single  
15 digit fingerprint of the parolee.
- 16 (M) A geographic coordinate for the parolee's residence location  
17 for use with a Geographical Information System (GIS) or  
18 comparable computer program.
- 19 (2) The information required by this subdivision shall come  
20 from the statewide parolee database. The information obtained  
21 from each source shall be based on the same timeframe.
- 22 (3) All of the information required by this subdivision shall be  
23 provided utilizing a computer-to-computer transfer in a format  
24 usable by a desktop computer system. The transfer of this  
25 information shall be continually available to local law enforcement  
26 agencies upon request.
- 27 (4) The unauthorized release or receipt of the information  
28 described in this subdivision is a violation of Section 11143.
- 29 (f)
- 30 (g) Notwithstanding any other provision of law, an inmate who  
31 is released on parole shall not be returned to a location within 35  
32 miles of the actual residence of a victim of, or a witness to, a  
33 violent felony as defined in paragraphs (1) to (7), inclusive, of  
34 subdivision (c) of Section 667.5 or a felony in which the defendant  
35 inflicts great bodily injury on any person other than an accomplice  
36 that has been charged and proved as provided for in Section  
37 12022.53, 12022.7, or 12022.9, if the victim or witness has  
38 requested additional distance in the placement of the inmate on  
39 parole, and if the Board of ~~Prison Terms~~ *Parole Hearings* or the

1 ~~Department of Corrections~~ *department* finds that there is a need  
 2 to protect the life, safety, or well-being of a victim or witness.

3 ~~(g)~~

4 (h) Notwithstanding any other law, an inmate who is released  
 5 on parole for a violation of Section 288 or 288.5 whom the  
 6 ~~Department of Corrections and Rehabilitation~~ *department*  
 7 determines poses a high risk to the public shall not be placed or  
 8 reside, for the duration of his or her parole, within one-half mile  
 9 of any public or private school including any or all of kindergarten  
 10 and grades 1 to 12, inclusive.

11 Notwithstanding any other law, an inmate who is released on  
 12 parole for an offense involving stalking shall not be returned to a  
 13 location within 35 miles of the victim’s actual residence or place  
 14 of employment if the victim or witness has requested additional  
 15 distance in the placement of the inmate on parole, and if the Board  
 16 of ~~Prison Terms Parole Hearings~~ or the ~~Department of Corrections~~  
 17 *department* finds that there is a need to protect the life, safety, or  
 18 well-being of the victim.

19 ~~(h)~~

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

24 ~~(i)~~

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

27 ~~(j)~~

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

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

36 SEC. 3. The Legislature finds and declares that this act expands  
 37 the scope of Proposition 83 of the November 7, 2006, statewide

- 1 general election (Jessica's Law) within the meaning of Section 33
- 2 of that measure.

O