

AMENDED IN SENATE MAY 4, 2010
AMENDED IN SENATE APRIL 22, 2010
AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1452

Introduced by Senator Runner

February 19, 2010

An act to amend Section 3000.03 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1452, as amended, Runner. Parole: electronic monitoring.

Existing law requires the Department of Corrections and Rehabilitation to release a prisoner on a specified period of parole after the expiration of a specified term of imprisonment. Under existing law, the department is authorized to return a parolee to prison if the Board of Parole Hearings determines that the parolee violated the terms of his or her parole, as specified. Existing law prohibits the department from returning certain parolees to prison, placing a parole hold on the parolee, or reporting the parolee to the Board of Parole Hearings for a violation of parole, as specified.

This bill would provide that a parolee to whom these prohibitions on the department are applicable may be required to wear an electronic monitoring device, for the duration of the parole period, by a local law enforcement agency that has *primary* jurisdiction over the location where the parolee resides ~~and that has entered~~ *and has been authorized by the department, in its discretion, to use global positioning system technology or otherwise monitor nonrevocable parolees. Any local law enforcement agency meeting those conditions shall, prior to any electronic monitoring of nonrevocable parolees, enter into a*

memorandum of understanding with the department, as specified, *at the agency's expense*. The bill would provide that the cost of acquiring, leasing, and monitoring the electronic monitoring device shall be the responsibility of the local law enforcement agency requiring the wearing of the device.

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 3000.03 of the Penal Code is amended
2 to read:

3 3000.03. (a) Notwithstanding any other provision of law, the
4 Department of Corrections and Rehabilitation shall not return to
5 prison, place a parole hold on pursuant to Section 3056, or report
6 any parole violation to the Board of Parole Hearings regarding any
7 person to whom all of the following criteria apply:

8 (1) The person is not required to register as a sex offender
9 pursuant to Chapter 5.5 (commencing with Section 290) of Title
10 9 of Part 1.

11 (2) The person was not committed to prison for a serious felony
12 as defined in Sections 1192.7 and 1192.8, or a violent felony, as
13 defined in Section 667.5, and does not have a prior conviction for
14 a serious felony, as defined in Section 1192.7 and 1192.8, or a
15 violent felony, as defined in Section 667.5.

16 (3) The person was not committed to prison for a sexually
17 violent offense as defined in subdivision (b) of Section 6600 of
18 the Welfare and Institutions Code and does not have a prior
19 conviction for a sexually violent offense as defined in subdivision
20 (b) of Section 6600 of the Welfare and Institutions Code.

21 (4) The person was not found guilty of a serious disciplinary
22 offense, as defined in regulation by the department, during his or
23 her current term of imprisonment.

24 (5) The person is not a validated prison gang member or
25 associate, as defined in regulation by the department.

26 (6) The person did not refuse to sign any written notification of
27 parole requirements or conditions, including, but not limited to,
28 the written notification of requirements pursuant to Section 3067.

1 (7) The person was evaluated by the department using a
2 validated risk assessment tool and was not determined to pose a
3 high risk to reoffend.

4 (b) (1) A parolee to whom this section is applicable may be
5 required to wear a global positioning system or other electronic
6 monitoring device, for the duration of the parole period, by a local
7 law enforcement agency if ~~both of the following apply the~~
8 *following conditions are satisfied:*

9 (A) The local law enforcement agency requiring the parolee to
10 wear a global positioning system or other electronic monitoring
11 device has primary jurisdiction over the location where the parolee
12 resides.

13 ~~(B) The local law enforcement agency has entered into a~~
14 *(B) The department has, in its discretion, authorized the local*
15 *law enforcement agency to use global positioning system*
16 *technology or to otherwise monitor nonrevocable parolees.*

17 *(C) The local law enforcement agency satisfying the conditions*
18 *in subparagraphs (A) and (B), prior to any electronic monitoring*
19 *of nonrevocable parolees, has entered into a memorandum of*
20 *understanding with the department that establishes conditions*
21 *under which the local authority may use global positioning system*
22 *technology or otherwise monitor, supervise, or manage*
23 *nonrevocable parolees in a manner consistent with evidence-based*
24 *practices. For purposes of this ~~subdivision~~ subparagraph,*
25 *“evidence-based practices” means supervision policies, procedures,*
26 *programs, and practices that have been demonstrated through*
27 *scientific research to reduce recidivism among individuals who*
28 *have been released or who are on probation or parole and that*
29 *would be likely to improve the probability that, while on parole,*
30 *a parolee to whom this section is applicable would not commit a*
31 *new offense.*

32 *(D) The local law enforcement agency shall reimburse the*
33 *department for the department’s costs in preparing, entering into,*
34 *and performing any actions pursuant to the memorandum of*
35 *understanding specified in subparagraph (C).*

36 (2) The cost of acquiring, leasing, and monitoring any global
37 positioning system or other electronic equipment shall be the
38 responsibility of the local law enforcement agency requiring the
39 parolee to wear a global positioning system or other electronic
40 monitoring device.

1 (c) (1) This section does not mandate the use of a global
 2 positioning system or other electronic monitoring device by law
 3 enforcement and does not create an obligation on the part of any
 4 law enforcement agency or local government agency in connection
 5 with the discretionary use, or nonuse, of these monitoring devices.

6 (2) *This section shall not be construed to require the department*
 7 *or any local law enforcement agency to use, or to authorize the*
 8 *use of, any global positioning system or any other monitoring*
 9 *technology or program.*

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12 **CORRECTIONS:**

13 **Text—Page 4.**

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