

AMENDED IN ASSEMBLY JUNE 16, 2010

AMENDED IN SENATE MAY 4, 2010

AMENDED IN SENATE APRIL 22, 2010

AMENDED IN SENATE MARCH 23, 2010

**SENATE BILL**

**No. 1452**

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**Introduced by Senator Runner**

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1452, as amended, Runner. Parole: *registration*: 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 *require a parolee to whom these limitations on the department are applicable to register his or her residential street address, by a specified date, with the sheriff's department of the county in which the parolee's residence is located if the board of supervisors of that county has authorized the sheriff's department to the record the residential street addresses of these parolees. This bill would require the department to maintain a notice of conditions of parole, signed by*

*the parolee, and would require the notice to inform the parolee of his or her obligation to register his or her residential street address with the sheriff's department. This bill would make it a misdemeanor to fail to register when required by these provisions. By creating a new crime, this bill would impose a state-mandated local program.*

*This bill would further provide that a parolee to whom these prohibitions limitations 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 has been authorized by the department, in its discretion, to use global positioning system technology or otherwise monitor nonrevocable parolees. ~~Any~~ This bill would provide that 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 an~~ electronic monitoring device shall be the responsibility of the local law enforcement agency requiring the wearing of the device.*

*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.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*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.

1 (2) The person was not committed to prison for a serious felony  
2 as defined in Sections 1192.7 and 1192.8, or a violent felony, as  
3 defined in Section 667.5, and does not have a prior conviction for  
4 a serious felony, as defined in Section 1192.7 and 1192.8, or a  
5 violent felony, as defined in Section 667.5.

6 (3) The person was not committed to prison for a sexually  
7 violent offense as defined in subdivision (b) of Section 6600 of  
8 the Welfare and Institutions Code and does not have a prior  
9 conviction for a sexually violent offense as defined in subdivision  
10 (b) of Section 6600 of the Welfare and Institutions Code.

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

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

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

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

22 (b) (1) *A parolee to whom this section is applicable shall, no*  
23 *later than 10 days after July 1, 2011, and thereafter within 10 days*  
24 *of establishing a residence, register his or her residential street*  
25 *address with the sheriff's department of the county within which*  
26 *the residence is located if both of the following are applicable:*

27 (A) *The sheriff is authorized, by resolution of the board of*  
28 *supervisors, to record the residential street address of the parolees.*

29 (B) *The parolee has been advised by the department or a local*  
30 *law enforcement agency that he or she must register his or her*  
31 *residential street address with the sheriff's department of the*  
32 *county within which the residence is located.*

33 (2) (A) *Every inmate released to parole pursuant to this section*  
34 *on or after July 1, 2011, shall first receive and sign a notice of*  
35 *conditions of parole. The notice shall be maintained by the*  
36 *department at least until the parolee is discharged from parole.*

37 (B) *The notice of conditions of parole for an inmate released*  
38 *to parole pursuant to this section shall list the counties that have*  
39 *authorized the sheriff to record the address of parolees pursuant*  
40 *to this section and shall instruct the parolee to register his or her*

1 residential street address with the sheriff's department within 10  
2 days of establishing or reestablishing residence in any county in  
3 which the sheriff is authorized to record the residential street  
4 address of parolees pursuant to subparagraph (A) of paragraph  
5 (1).

6 (3) The sheriff of any county may share parolee address  
7 information with the Department of Justice or any local law  
8 enforcement agency.

9 (4) A parolee to whom this section is applicable who fails to  
10 register after being advised of the requirements of this subdivision  
11 shall be guilty of misdemeanor.

12 ~~(b)~~

13 (c) (1) A parolee to whom this section is applicable may be  
14 required to wear a global positioning system or other electronic  
15 monitoring device, for the duration of the parole period, by a local  
16 law enforcement agency if the following conditions are satisfied:

17 (A) The local law enforcement agency requiring the parolee to  
18 wear a global positioning system or other electronic monitoring  
19 device has primary jurisdiction over the location where the parolee  
20 resides.

21 (B) The department has, in its discretion, authorized the local  
22 law enforcement agency to use global positioning system  
23 technology or to otherwise monitor nonrevocable parolees.

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

38 (D) The local law enforcement agency shall reimburse the  
39 department for the department's costs in preparing, entering into,

1 and performing any actions pursuant to the memorandum of  
2 understanding specified in subparagraph (C).

3 (2) The cost of acquiring, leasing, and monitoring any global  
4 positioning system or other electronic equipment shall be the  
5 responsibility of the local law enforcement agency requiring the  
6 parolee to wear a global positioning system or other electronic  
7 monitoring device.

8 (e)

9 (d) (1) This section does not mandate the use of a global  
10 positioning system or other electronic monitoring device by law  
11 enforcement and does not create an obligation on the part of any  
12 law enforcement agency or local government agency in connection  
13 with the discretionary use, or nonuse, of these monitoring devices.

14 (2) This section shall not be construed to require the department  
15 or any local law enforcement agency to use, or to authorize the  
16 use of, any global positioning system or any other monitoring  
17 technology or program.

18 *SEC. 2. No reimbursement is required by this act pursuant to*  
19 *Section 6 of Article XIII B of the California Constitution because*  
20 *the only costs that may be incurred by a local agency or school*  
21 *district will be incurred because this act creates a new crime or*  
22 *infraction, eliminates a crime or infraction, or changes the penalty*  
23 *for a crime or infraction, within the meaning of Section 17556 of*  
24 *the Government Code, or changes the definition of a crime within*  
25 *the meaning of Section 6 of Article XIII B of the California*  
26 *Constitution.*

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