

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 127

Introduced by Senator Polanco

December 22, 1998

An act to ~~add Section 2933.7 to~~ amend Section 3003 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 127, as amended, Polanco. Prisoners: ~~—education parole.~~

Existing law requires the Board of Prison Terms or the Department of Corrections, when releasing an inmate on parole, to return the inmate to the county that was the last legal residence of the inmate prior to his or her incarceration, but permits the inmate to be returned to another county if that would be in the best interests of the public. Under existing law, the paroling authority, in making its decision about an inmate who participated in a specified joint venture program, is required to give serious consideration to releasing him or her to the county where the joint venture program employer is located if the employer states to the paroling authority that he or she intends to employ the inmate upon release.

This bill similarly would require the paroling authority, in making its decision about an inmate who participated in an in-prison drug treatment program, to give serious consideration to releasing him or her to a county that has an aftercare drug treatment program that meets specified conditions.

~~Existing law provides for credit on a prisoner's term of imprisonment for good behavior and participation in work and education programs.~~

~~This bill would provide that a person shall not be eligible to earn credit on his or her term of imprisonment if the person does not have a high school diploma or General Education Development equivalent unless that person is actively participating in an education program that will lead to a high school diploma or General Education Development equivalent. However, this provision would not apply to any inmate who is determined to be incapable of obtaining a high school diploma or equivalent based on testing of intellectual ability.~~

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 2933.7 is added to the Penal~~
2 ~~Code, to read:~~

3 ~~2933.7. Notwithstanding any other provision of law, a~~
4 ~~person shall not be eligible to earn credit on his or her~~
5 ~~term of imprisonment pursuant to this chapter if the~~
6 ~~person does not have a high school diploma or General~~
7 ~~Education Development (GED) equivalent unless that~~
8 ~~person is actively participating in an education program~~
9 ~~that will lead to a high school diploma or General~~
10 ~~Education Development (GED) equivalent.~~

11 ~~This section shall not apply to any inmate who is~~
12 ~~determined to be incapable of obtaining a high school~~
13 ~~diploma or equivalent based on testing of intellectual~~
14 ~~ability.~~

15 *SECTION 1. Section 3003 of the Penal Code is*
16 *amended to read:*

17 3003. (a) Except as otherwise provided in this
18 section, an inmate who is released on parole shall be
19 returned to the county that was the last legal residence
20 of the inmate prior to his or her incarceration.

21 For purposes of this subdivision, "last legal residence"
22 shall not be construed to mean the county wherein the



1 inmate committed an offense while confined in a state
2 prison or local jail facility or while confined for treatment
3 in a state hospital.

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

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

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

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

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

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

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

35 (d) (1) In making its decision about an inmate who
36 participated in a joint venture program pursuant to
37 Article 1.5 (commencing with Section 2717.1) of Chapter
38 5, the paroling authority shall give serious consideration
39 to releasing him or her to the county where the joint
40 venture program employer is located if that employer



1 states to the paroling authority that he or she intends to
2 employ the inmate upon release.

3 (2) *In making its decision about an inmate who*
4 *participated in an in-prison drug treatment program, the*
5 *paroling authority shall give serious consideration to*
6 *releasing him or her to a county that has an aftercare drug*
7 *treatment program that is best aligned with the elements*
8 *of the in-prison program in which he or she participated*
9 *and with the needs of the inmate. If the inmate is the*
10 *primary caretaker of children, priority shall be given to*
11 *placement in a county that has an aftercare program that*
12 *allows children to be present.*

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

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

18 (B) Birth date.

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

20 (D) Date of parole and discharge.

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

24 (F) California Criminal Information Number, FBI
25 number, social security number, and driver's license
26 number.

27 (G) County of commitment.

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

30 (I) Offense or offenses for which the inmate was
31 convicted that resulted in parole in this instance.

32 (J) Address, including all of the following information:

33 (i) Street name and number. Post office box numbers
34 are not acceptable for purposes of this subparagraph.

35 (ii) City and ZIP Code.

36 (iii) Date that the address provided pursuant to this
37 subparagraph was proposed to be effective.

38 (K) Contact officer and unit, including all of the
39 following information:



1 (i) Name and telephone number of each contact
2 officer.

3 (ii) Contact unit type of each contact officer, such as
4 units responsible for parole, registration, or county
5 probation.

6 (L) A digitized image of the photograph and at least
7 a single-digit fingerprint of the parolee.

8 (M) A geographic coordinate for the parolee's
9 residence location for use with a Geographical
10 Information System (GIS) or comparable computer
11 program.

12 (2) The information required by this subdivision shall
13 come from the statewide parolee data base. The
14 information obtained from each source shall be based on
15 the same timeframe.

16 (3) All of the information required by this subdivision
17 shall be provided utilizing a computer-to-computer
18 transfer in a format usable by a desktop computer system.
19 The transfer of this information shall be continually
20 available to local law enforcement agencies upon request.

21 (4) The unauthorized release or receipt of the
22 information described in this subdivision is a violation of
23 Section 11143.

24 (f) Notwithstanding any other provision of law, an
25 inmate who is released on parole shall not be returned to
26 a location within 35 miles of the actual residence of a
27 victim of, or a witness to, a violent felony as defined in
28 paragraphs (1) to (7), inclusive, of subdivision (c) of
29 Section 667.5 or a felony in which the defendant inflicts
30 great bodily injury on any person other than an
31 accomplice that has been charged and proved as
32 provided for in Section 12022.53, 12022.7, or 12022.9, if the
33 victim or witness has requested additional distance in the
34 placement of the inmate on parole, and if the Board of
35 Prison Terms or the Department of Corrections finds that
36 there is a need to protect the life, safety, or well-being of
37 a victim or witness.

38 (g) Notwithstanding any other law, an inmate who is
39 released on parole for any violation of Section 288 or 288.5
40 shall not be placed within one-quarter mile of any school



1 that includes any or all of grades kindergarten to 6,
2 inclusive.

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

8 (i) An inmate may be paroled to another state
9 pursuant to any other law.

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

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

