

AMENDED IN SENATE JANUARY 13, 2000

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 127

Introduced by Senator Polanco

December 22, 1998

An act to amend, *repeal, and add* Section 3003 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 127, as amended, Polanco. Prisoners: 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. *The bill also would require the paroling authority to report to the Legislature on or before March 1, 2004, regarding the operation of this provision. This bill further would provide for these provisions to be effective only until January 1, 2005.*

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 3003 of the Penal Code is
2 amended to read:

3 3003. (a) Except as otherwise provided in this
4 section, an inmate who is released on parole shall be
5 returned to the county that was the last legal residence
6 of the inmate prior to his or her incarceration.

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

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

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

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



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

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

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

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

13 (d) (1) In making its decision about an inmate who
14 participated in a joint venture program pursuant to
15 Article 1.5 (commencing with Section 2717.1) of Chapter
16 5, the paroling authority shall give serious consideration
17 to releasing him or her to the county where the joint
18 venture program employer is located if that employer
19 states to the paroling authority that he or she intends to
20 employ the inmate upon release.

21 (2) In making its decision about an inmate who
22 participated in an in-prison drug treatment program, the
23 paroling authority shall give serious consideration to
24 releasing him or her to a county that has an aftercare drug
25 treatment program that is best aligned with the elements
26 of the in-prison program in which he or she participated
27 and with the needs of the inmate. If the inmate is the
28 primary caretaker of children, priority shall be given to
29 placement in a county that has an aftercare program that
30 allows children to be present.

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

- 35 (A) Last, first, and middle name.
- 36 (B) Birth date.
- 37 (C) Sex, race, height, weight, and hair and eye color.
- 38 (D) Date of parole and discharge.



- 1 (E) Registration status, if the inmate is required to
2 register as a result of a controlled substance, sex, or arson
3 offense.
- 4 (F) California Criminal Information number, FBI
5 number, social security number, and driver's license
6 number.
- 7 (G) County of commitment.
- 8 (H) A description of scars, marks, and tattoos on the
9 inmate.
- 10 (I) Offense or offenses for which the inmate was
11 convicted that resulted in parole in this instance.
- 12 (J) Address, including all of the following information:
 - 13 (i) Street name and number. Post office box numbers
14 are not acceptable for purposes of this subparagraph.
 - 15 (ii) City and ZIP Code.
 - 16 (iii) Date that the address provided pursuant to this
17 subparagraph was proposed to be effective.
- 18 (K) Contact officer and unit, including all of the
19 following information:
 - 20 (i) Name and telephone number of each contact
21 officer.
 - 22 (ii) Contact unit type of each contact officer, such as
23 units responsible for parole, registration, or county
24 probation.
- 25 (L) A digitized image of the photograph and at least
26 a single-digit fingerprint of the parolee.
- 27 (M) A geographic coordinate for the parolee's
28 residence location for use with a Geographical
29 Information System (GIS) or comparable computer
30 program.
- 31 (2) The information required by this subdivision shall
32 come from the statewide parolee data base. The
33 information obtained from each source shall be based on
34 the same timeframe.
- 35 (3) All of the information required by this subdivision
36 shall be provided utilizing a computer-to-computer
37 transfer in a format usable by a desktop computer system.
38 The transfer of this information shall be continually
39 available to local law enforcement agencies upon request.



1 (4) The unauthorized release or receipt of the
2 information described in this subdivision is a violation of
3 Section 11143.

4 (f) Notwithstanding any other provision of law, an
5 inmate who is released on parole shall not be returned to
6 a location within 35 miles of the actual residence of a
7 victim of, or a witness to, a violent felony as defined in
8 paragraphs (1) to (7), inclusive, of subdivision (c) of
9 Section 667.5 or a felony in which the defendant inflicts
10 great bodily injury on any person other than an
11 accomplice that has been charged and proved as
12 provided for in Section 12022.53, 12022.7, or 12022.9, if the
13 victim or witness has requested additional distance in the
14 placement of the inmate on parole, and if the Board of
15 Prison Terms or the Department of Corrections finds that
16 there is a need to protect the life, safety, or well-being of
17 a victim or witness.

18 (g) Notwithstanding any other law, an inmate who is
19 released on parole for any violation of Section 288 or 288.5
20 shall not be placed within one-quarter mile of any school
21 that includes any or all of grades kindergarten to 6,
22 inclusive.

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

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

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

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



1 (k) On or before March 1, 2004, the paroling authority
2 shall make a report to the Legislature concerning the
3 operation of paragraph (2) of subdivision (d).

4 (l) This section shall remain in effect only until
5 January 1, 2005, and as of that date is repealed unless a
6 later enacted statute, which becomes effective on or
7 before that date, deletes or extends that date.

8 SEC. 2. Section 3003 is added to the Penal Code, to
9 read:

10 3003. (a) Except as otherwise provided in this
11 section, an inmate who is released on parole shall be
12 returned to the county that was the last legal residence
13 of the inmate prior to his or her incarceration.

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

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

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

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

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



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

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

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

11 (d) *In making its decision about an inmate who*
12 *participated in a joint venture program pursuant to*
13 *Article 1.5 (commencing with Section 2717.1) of Chapter*
14 *5, the paroling authority shall give serious consideration*
15 *to releasing him or her to the county where the joint*
16 *venture program employer is located if that employer*
17 *states to the paroling authority that he or she intends to*
18 *employ the inmate upon release.*

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

23 (A) *Last, first, and middle name.*

24 (B) *Birth date.*

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

26 (D) *Date of parole and discharge.*

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

30 (F) *California Criminal Information Number, FBI*
31 *number, social security number, and driver's license*
32 *number.*

33 (G) *County of commitment.*

34 (H) *A description of scars, marks, and tattoos on the*
35 *inmate.*

36 (I) *Offense or offenses for which the inmate was*
37 *convicted that resulted in parole in this instance.*

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

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



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



1 *there is a need to protect the life, safety, or well-being of*
2 *a victim or witness.*

3 *(g) Notwithstanding any other law, an inmate who is*
4 *released on parole for any violation of Section 288 or 288.5*
5 *shall not be placed within one-quarter mile of any school*
6 *that includes any or all of grades kindergarten to 6,*
7 *inclusive.*

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9 *equitable distribution of parolees and the proportion of*
10 *out-of-county commitments from a county compared to*
11 *the number of commitments from that county when*
12 *making parole decisions.*

13 *(i) An inmate may be paroled to another state*
14 *pursuant to any other law.*

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

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

25 *(k) This section shall become operative January 1,*
26 *2005.*

