

AMENDED IN ASSEMBLY JUNE 6, 2000
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, *a mental illness treatment program, or a combined treatment program for substance*

abuse and a mental disorder, to give serious consideration to releasing him or her to a county that has an aftercare drug treatment program that meets specified conditions. *This bill additionally would require the paroling authority to ensure that the placement of an out-of-county inmate in an aftercare program pursuant to this provision not cause the displacement of a program participant who is a resident of the county where the program is operated.* 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~~ 2003.

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



1 others, the following factors, giving the greatest weight to
2 the protection of the victim and the safety of the
3 community:

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

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

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

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

14 (5) The lack of necessary outpatient treatment
15 programs for parolees receiving treatment pursuant to
16 Section 2960.

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

20 (d) (1) In making its decision about an inmate who
21 participated in a joint venture program pursuant to
22 Article 1.5 (commencing with Section 2717.1) of Chapter
23 5, the paroling authority shall give serious consideration
24 to releasing him or her to the county where the joint
25 venture program employer is located if that employer
26 states to the paroling authority that he or she intends to
27 employ the inmate upon release.

28 (2) In making its decision about an inmate who
29 participated in an in-prison drug treatment program, *a*
30 *mental illness treatment program, or a combined*
31 *treatment program for substance abuse and a mental*
32 *disorder*, the paroling authority shall give serious
33 consideration to releasing him or her to a county that has
34 an aftercare ~~drug~~ treatment program that is best aligned
35 with the elements of the in-prison program in which he
36 or she participated and with the needs of the inmate. If
37 the inmate is the primary caretaker of children, priority
38 shall be given to placement in a county that has an
39 aftercare program that allows children to be present.



1 (3) *In making the decision specified in paragraph (2),*
2 *the paroling authority shall ensure that the placement of*
3 *an out-of-county inmate in an aftercare program*
4 *pursuant to that paragraph not cause the displacement of*
5 *a program participant who is a resident of the county*
6 *where the program is operated.*

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

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

12 (B) Birth date.

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

14 (D) Date of parole and discharge.

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

18 (F) California Criminal Information number, FBI
19 number, social security number, and driver's license
20 number.

21 (G) County of commitment.

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

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

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

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

29 (ii) City and ZIP Code.

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

32 (K) Contact officer and unit, including all of the
33 following information:

34 (i) Name and telephone number of each contact
35 officer.

36 (ii) Contact unit type of each contact officer, such as
37 units responsible for parole, registration, or county
38 probation.

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



1 (M) A geographic coordinate for the parolee's
2 residence location for use with a Geographical
3 Information System (GIS) or comparable computer
4 program.

5 (2) The information required by this subdivision shall
6 come from the statewide parolee data base. The
7 information obtained from each source shall be based on
8 the same timeframe.

9 (3) All of the information required by this subdivision
10 shall be provided utilizing a computer-to-computer
11 transfer in a format usable by a desktop computer system.
12 The transfer of this information shall be continually
13 available to local law enforcement agencies upon request.

14 (4) The unauthorized release or receipt of the
15 information described in this subdivision is a violation of
16 Section 11143.

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

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

36 (h) The authority shall give consideration to the
37 equitable distribution of parolees and the proportion of
38 out-of-county commitments from a county compared to
39 the number of commitments from that county when
40 making parole decisions.



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

3 (j) (1) Except as provided in paragraph (2), the
4 Department of Corrections shall be the agency primarily
5 responsible for, and shall have control over, the program,
6 resources, and staff implementing the Law Enforcement
7 Automated Data System (LEADS) in conformance with
8 subdivision (e).

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

13 (k) On or before March 1, ~~2004~~ 2002, the paroling
14 authority shall make a report to the Legislature
15 concerning the operation of paragraph (2) of subdivision
16 (d).

17 (l) This section shall remain in effect only until
18 January 1, ~~2005~~ 2003, and as of that date is repealed unless
19 a later enacted statute, which becomes effective on or
20 before that date, deletes or extends that date.

21 SEC. 2. Section 3003 is added to the Penal Code, to
22 read:

23 3003. (a) Except as otherwise provided in this
24 section, an inmate who is released on parole shall be
25 returned to the county that was the last legal residence
26 of the inmate prior to his or her incarceration.

27 For purposes of this subdivision, “last legal residence”
28 shall not be construed to mean the county wherein the
29 inmate committed an offense while confined in a state
30 prison or local jail facility or while confined for treatment
31 in a state hospital.

32 (b) Notwithstanding subdivision (a), an inmate may
33 be returned to another county if that would be in the best
34 interests of the public. If the Board of Prison Terms
35 setting the conditions of parole for inmates sentenced
36 pursuant to subdivision (b) of Section 1168, or the
37 Department of Corrections setting the conditions of
38 parole for inmates sentenced pursuant to Section 1170,
39 decides on a return to another county, it shall place its
40 reasons in writing in the parolee’s permanent record and



1 include these reasons in the notice to the sheriff or chief
2 of police pursuant to Section 3058.6. In making its
3 decision, the paroling authority shall consider, among
4 others, the following factors, giving the greatest weight to
5 the protection of the victim and the safety of the
6 community:

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

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

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

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

17 (5) The lack of necessary outpatient treatment
18 programs for parolees receiving treatment pursuant to
19 Section 2960.

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

23 (d) In making its decision about an inmate who
24 participated in a joint venture program pursuant to
25 Article 1.5 (commencing with Section 2717.1) of Chapter
26 5, the paroling authority shall give serious consideration
27 to releasing him or her to the county where the joint
28 venture program employer is located if that employer
29 states to the paroling authority that he or she intends to
30 employ the inmate upon release.

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) This section shall become operative January 1, ~~2005~~
2 2003.

O

