

AMENDED IN ASSEMBLY AUGUST 25, 2000

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: *sex offenders: stalkers.*

Existing law provides that an inmate who is released on parole for any violation of the crimes of lewd or lascivious acts on a child or continuous sexual abuse of a child shall not be placed within one-quarter mile of any school that includes any or all of grades kindergarten to 6, inclusive.

This bill would provide that, notwithstanding any other provision of law, an inmate released on parole for a violation of these crimes shall not be placed or reside, for the duration of the period of parole, within 1/4 mile of any school that includes any or all of grades kindergarten to 6, inclusive.

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 *and consider the input of the county board of supervisors and county sheriff in making this placement.* The bill also would require the paroling authority to report to the Legislature on or before ~~March~~ *September 1, 2004*, regarding the operation of this provision. This bill further would provide for these provisions to be effective only until January 1, 2003.

This bill would incorporate additional changes in Section 3003 of the Penal Code proposed by SB 580, to be operative if SB 580 and this bill are both enacted and become effective on or before January 1, 2001, and this bill is enacted last.

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



1 returned to the county that was the last legal residence
2 of the inmate prior to his or her incarceration.

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

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

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

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

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

29 (4) The existence of family in another county with
30 whom the inmate has maintained strong ties and whose
31 support would increase the chance that the inmate’s
32 parole would be successfully completed.

33 (5) The lack of necessary outpatient treatment
34 programs for parolees receiving treatment pursuant to
35 Section 2960.

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

39 (d) (1) In making its decision about an inmate who
40 participated in a joint venture program pursuant to



1 Article 1.5 (commencing with Section 2717.1) of Chapter
2 5, the paroling authority shall give serious consideration
3 to releasing him or her to the county where the joint
4 venture program employer is located if that employer
5 states to the paroling authority that he or she intends to
6 employ the inmate upon release.

7 (2) In making its decision about an inmate who
8 participated in an in-prison drug treatment program, a
9 mental illness treatment program, or a combined
10 treatment program for substance abuse and a mental
11 disorder, the paroling authority shall give serious
12 consideration to releasing him or her to a county that has
13 an aftercare treatment program that is best aligned with
14 the elements of the in-prison program in which he or she
15 participated and with the needs of the inmate. If the
16 inmate ~~is~~ *will be* the primary caretaker of children *upon*
17 *release*, priority shall be given to placement in a county
18 that has an aftercare program that allows children to be
19 present.

20 (3) In making the decision specified in paragraph (2),
21 the paroling authority shall ensure that the placement of
22 an out-of-county inmate in an aftercare program
23 pursuant to that paragraph not cause the displacement of
24 a program participant who is a resident of the county
25 where the program is operated. *The paroling authority*
26 *shall consider the input of the county board of supervisors*
27 *and the county sheriff for the county of placement as it*
28 *relates to out-of-county placements pursuant to*
29 *paragraph (2).*

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

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

35 (B) Birth date.

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

37 (D) Date of parole and discharge.

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



1 (F) California Criminal Information number, FBI
2 number, social security number, and driver's license
3 number.

4 (G) County of commitment.

5 (H) A description of scars, marks, and tattoos on the
6 inmate.

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

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

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

12 (ii) City and ZIP Code.

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

15 (K) Contact officer and unit, including all of the
16 following information:

17 (i) Name and telephone number of each contact
18 officer.

19 (ii) Contact unit type of each contact officer, such as
20 units responsible for parole, registration, or county
21 probation.

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

24 (M) A geographic coordinate for the parolee's
25 residence location for use with a Geographical
26 Information System (GIS) or comparable computer
27 program.

28 (2) The information required by this subdivision shall
29 come from the statewide parolee data base. The
30 information obtained from each source shall be based on
31 the same timeframe.

32 (3) All of the information required by this subdivision
33 shall be provided utilizing a computer-to-computer
34 transfer in a format usable by a desktop computer system.
35 The transfer of this information shall be continually
36 available to local law enforcement agencies upon request.

37 (4) The unauthorized release or receipt of the
38 information described in this subdivision is a violation of
39 Section 11143.



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

15 (g) Notwithstanding any other law, an inmate who is
16 released on parole for any violation of Section 288 or 288.5
17 shall not be placed *or reside, for the duration of his or her*
18 *period of parole*, within one-quarter mile of any school
19 that includes any or all of grades kindergarten to 6,
20 inclusive.

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

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

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

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

38 (k) On or before—~~March~~ *September* 1, 2002, the
39 paroling authority shall make a report to the Legislature
40 concerning the operation of paragraph (2) of subdivision



1 (d). *The report shall include an assessment of the impact*
2 *that the provision has had on counties, the total number*
3 *of parolees who were placed in out-of-county programs*
4 *pursuant to that provision, and whether there is a cost*
5 *savings to the state as a result of implementation of that*
6 *provision.*

7 (l) This section shall remain in effect only until
8 January 1, 2003, and as of that date is repealed unless a
9 later enacted statute, which becomes effective on or
10 before that date, deletes or extends that date.

11 *SEC. 1.5. Section 3003 of the Penal Code is amended*
12 *to read:*

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

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

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

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

39 (2) Public concern that would reduce the chance that
40 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 program, or a combined*
23 *treatment program, a mental illness treatment program,*
24 *or a combined treatment for substance abuse and a*
25 *mental disorder, the paroling authority shall give serious*
26 *consideration to releasing him or her to a county that has*
27 *an aftercare treatment program that is best aligned with*
28 *the elements of the in-prison program in which he or she*
29 *participated and with the needs of the inmate. If the*
30 *inmate will be the primary caretaker of children upon*
31 *release, priority shall be given to placement in a county*
32 *that has an aftercare program that allows children to be*
33 *present.*

34 (3) *In making the decision specified in paragraph (2),*
35 *the paroling authority shall ensure that the placement of*
36 *an out-of-county inmate in an aftercare program*
37 *pursuant to that paragraph not cause the displacement of*
38 *a program participant who is a resident of the county*
39 *where the program is operated. The paroling authority*
40 *shall consider the input of the county board of supervisors*



1 *and the county sheriff for the county of placement as it*
2 *relates to out-of-county placements pursuant to*
3 *paragraph (2).*

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

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

9 (B) Birth date.

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

11 (D) Date of parole and discharge.

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

15 (F) California Criminal Information Number
16 number, FBI number, social security number, and
17 driver's license number.

18 (G) County of commitment.

19 (H) A description of scars, marks, and tattoos on the
20 inmate.

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

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

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

26 (ii) City and ZIP Code.

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

29 (K) Contact officer and unit, including all of the
30 following information:

31 (i) Name and telephone number of each contact
32 officer.

33 (ii) Contact unit type of each contact officer, such as
34 units responsible for parole, registration, or county
35 probation.

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

38 (M) A geographic coordinate for the parolee's
39 residence location for use with a Geographical



1 Information System (GIS) or comparable computer
2 program.

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

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

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

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

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

35 (h) *Notwithstanding any other law, an inmate who is*
36 *released on parole for an offense involving stalking shall*
37 *not be returned to a location within 35 miles of the*
38 *victim's actual residence or place of employment if the*
39 *victim or witness has requested additional distance in the*
40 *placement of the inmate on parole and if the Board of*



1 *Prison Terms of the Department of Corrections finds that*
2 *there is a need to protect the life, safety, or well-being of*
3 *the victim.*

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

9 ~~(i)~~

10 (j) An inmate may be paroled to another state
11 pursuant to any other law.

12 ~~(j)~~

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

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

23 (l) *On or before September 1, 2002, the paroling*
24 *authority shall make a report to the Legislature*
25 *concerning the operation of paragraph (2) of subdivision*
26 *(d). The report shall include an assessment of the impact*
27 *that the provision has had on counties, the total number*
28 *of parolees who were placed in out-of-county programs*
29 *pursuant to that provision, and whether there is a cost*
30 *savings to the state as a result of implementation of that*
31 *provision.*

32 (m) *This section shall remain in effect only until*
33 *January 1, 2003, and as of that date is repealed unless a*
34 *later enacted statute, which becomes effective on or*
35 *before that date, deletes or extends that date.*

36 SEC. 2. Section 3003 is added to the Penal Code, to
37 read:

38 3003. (a) Except as otherwise provided in this
39 section, an inmate who is released on parole shall be



1 returned to the county that was the last legal residence
2 of the inmate prior to his or her incarceration.

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

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

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

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

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

29 (4) The existence of family in another county with
30 whom the inmate has maintained strong ties and whose
31 support would increase the chance that the inmate’s
32 parole would be successfully completed.

33 (5) The lack of necessary outpatient treatment
34 programs for parolees receiving treatment pursuant to
35 Section 2960.

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

39 (d) In making its decision about an inmate who
40 participated in a joint venture program pursuant to



1 Article 1.5 (commencing with Section 2717.1) of Chapter
2 5, the paroling authority shall give serious consideration
3 to releasing him or her to the county where the joint
4 venture program employer is located if that employer
5 states to the paroling authority that he or she intends to
6 employ the inmate upon release.

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 *or reside, for the duration of his or her*
34 *period of parole*, within one-quarter mile of any school
35 that includes any or all of grades kindergarten to 6,
36 inclusive.

37 (h) The authority shall give consideration to the
38 equitable distribution of parolees and the proportion of
39 out-of-county commitments from a county compared to



1 the number of commitments from that county when
2 making parole decisions.

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

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

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

15 (k) This section shall become operative January 1,
16 2003.

17 *SEC. 2.5. Section 3003 is added to the Penal Code, to*
18 *read:*

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

23 *For purposes of this subdivision, "last legal residence"*
24 *shall not be construed to mean the county wherein the*
25 *inmate committed an offense while confined in a state*
26 *prison or local jail facility or while confined for treatment*
27 *in a state hospital.*

28 *(b) Notwithstanding subdivision (a), an inmate may*
29 *be returned to another county if that would be in the best*
30 *interests of the public. If the Board of Prison Terms*
31 *setting the conditions of parole for inmates sentenced*
32 *pursuant to subdivision (b) of Section 1168, or the*
33 *Department of Corrections setting the conditions of*
34 *parole for inmates sentenced pursuant to Section 1170,*
35 *decides on a return to another county, it shall place its*
36 *reasons in writing in the parolee's permanent record and*
37 *include these reasons in the notice to the sheriff or chief*
38 *of police pursuant to Section 3058.6. In making its*
39 *decision, the paroling authority shall consider, among*
40 *others, the following factors, giving the greatest weight to*



1 *the protection of the victim and the safety of the*
2 *community:*

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

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

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

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

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

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

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

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

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

32 (B) *Birth date.*

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

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

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

38 (F) *California Criminal Information number, FBI*
39 *number, social security number, and driver's license*
40 *number.*



1 (G) County of commitment.

2 (H) A description of scars, marks, and tattoos on the
3 inmate.

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

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

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

9 (ii) City and ZIP Code.

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

12 (K) Contact officer and unit, including all of the
13 following information:

14 (i) Name and telephone number of each contact
15 officer.

16 (ii) Contact unit type of each contact officer, such as
17 units responsible for parole, registration, or county
18 probation.

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

21 (M) A geographic coordinate for the parolee's
22 residence location for use with a Geographical
23 Information System (GIS) or comparable computer
24 program.

25 (2) The information required by this subdivision shall
26 come from the statewide parolee data base. The
27 information obtained from each source shall be based on
28 the same timeframe.

29 (3) All of the information required by this subdivision
30 shall be provided utilizing a computer-to-computer
31 transfer in a format usable by a desktop computer system.
32 The transfer of this information shall be continually
33 available to local law enforcement agencies upon request.

34 (4) The unauthorized release or receipt of the
35 information described in this subdivision is a violation of
36 Section 11143.

37 (f) Notwithstanding any other provision of law, an
38 inmate who is released on parole shall not be returned to
39 a location within 35 miles of the actual residence of a
40 victim of, or a witness to, a violent felony as defined in



1 paragraphs (1) to (7), inclusive, of subdivision (c) of
2 Section 667.5 or a felony in which the defendant inflicts
3 great bodily injury on any person other than an
4 accomplice that has been charged and proved as
5 provided for in Section 12022.53, 12022.7, or 12022.9, if the
6 victim or witness has requested additional distance in the
7 placement of the inmate on parole, and if the Board of
8 Prison Terms or the Department of Corrections finds that
9 there is a need to protect the life, safety, or well-being of
10 a victim or witness.

11 (g) Notwithstanding any other law, an inmate who is
12 released on parole for any violation of Section 288 or 288.5
13 shall not be placed or reside, for the duration of his or her
14 parole, within one-quarter mile of any school that
15 includes any or all of grades kindergarten to 6, inclusive.

16 (h) Notwithstanding any other law, an inmate who is
17 released on parole for an offense involving stalking shall
18 not be returned to a location within 35 miles of the
19 victim's actual residence or place of employment if the
20 victim or witness has requested additional distance in the
21 placement of the inmate on parole and if the Board of
22 Prison Terms of the Department of Corrections finds that
23 there is a need to protect the life, safety, or well-being of
24 the victim.

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

30 (j) An inmate may be paroled to another state
31 pursuant to any other law.

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

38 (2) Notwithstanding paragraph (1), the Department
39 of Justice shall be the agency primarily responsible for the



1 *proper release of information under LEADS that relates*
2 *to fingerprint cards.*

3 *(1) This section shall be come operative January 1,*
4 *2003.*

5 *SEC. 3. Section 1.5 of this bill incorporates*
6 *amendments to Section 3003 of the Penal Code proposed*
7 *by both this bill and SB 580. It shall only become operative*
8 *if (1) both bills are enacted and become effective on or*
9 *before January 1, 2001, (2) each bill amends Section 3003*
10 *of the Penal Code, and (3) this bill is enacted after SB 580,*
11 *in which case Section 1 of this bill shall not become*
12 *operative.*

13 *SEC. 4. Section 2.5 of this bill incorporates changes to*
14 *Section 3003 of the Penal Code proposed by SB 580. It*
15 *shall only become operative if (1) both bills are enacted*
16 *and become effective on or before January 1, 2001, (2)*
17 *this bill adds Section 3003 to the Penal Code, and SB 580*
18 *amends Section 3003 of the Penal Code, and (3) this bill*
19 *is enacted after SB 580, in which case Section 2 of this bill*
20 *shall not become operative.*

