

Introduced by Senator Bowen

February 26, 1999

An act to amend Section 1203.10 of the Penal Code, and to amend Section 3201 of the Welfare and Institutions Code, relating to narcotic addicts.

LEGISLATIVE COUNSEL'S DIGEST

SB 994, as introduced, Bowen. Narcotic addicts.

(1) Existing law requires the probation officer of the county of the jurisdiction of an adult defendant, at the time of the plea or verdict of guilty, and when so directed by the court, to inquire into the antecedents, character, history, family environment, and offense of the defendant, and to report the same to the court and file his or her report in writing in the records of the court. When directed by the court, the report is required to contain the probation officer's recommendation for or against the release of the defendant on probation.

This bill would require the probation officer to inquire into the defendant's eligibility for commitment as a narcotic addict, and to include his or her findings in the report filed with the court. By increasing the duties of probation officers, this bill would impose a state-mandated local program.

(2) Existing law provides for the involuntary civil commitment of narcotic addicts to institutions for treatment.

This bill would require the Department of Corrections to contract for an evaluation of this program by an independent criminal justice policy expert to determine its effectiveness in reducing narcotics addiction and recidivism among offenders.

(3) Under the program described in (2) above, any person committed to the Director of Corrections for confinement in the narcotic detention, treatment, and rehabilitation facility, whose execution of sentence was suspended pending an involuntary commitment for a criminal conviction in superior court, and who has spent a period of time in confinement or in custody, excluding any time spent on outpatient status, equal to that which he or she would have otherwise spent in state prison had sentence been executed, including application of good behavior and participation credit provisions, shall, upon reaching that accumulation of time, be released on parole under the jurisdiction of the Narcotic Addict Evaluation Authority. Existing law also provides that these good behavior and participation credit provisions, which authorize the Department of Corrections to reduce the term prescribed by $\frac{1}{3}$ for good behavior and participation, shall not apply to any person whose crime was committed on or after January 1, 1983.

This bill would provide that any person described above who is committed to the Director of Corrections for confinement in the narcotic detention, treatment, and rehabilitation facility on or after January 1, 2000, shall be eligible for a $\frac{1}{3}$ reduction in the period spent in custody or confinement, excluding time spent on outpatient status, for good behavior and participation.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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



The people of the State of California do enact as follows:

1 SECTION 1. Section 1203.10 of the Penal Code is
2 amended to read:

3 1203.10. (a) At the time of the plea or verdict of
4 guilty of any person over 18 years of age, the probation
5 officer of the county of the jurisdiction of ~~said criminal~~ *the*
6 *defendant* shall, when so directed by the court, inquire
7 into the antecedents, character, history, family
8 environment, and offense of ~~such person, and must the~~
9 *defendant, including his or her eligibility for*
10 *commitment as a narcotic addict pursuant to Article 2*
11 *(commencing with Section 3050) of Chapter 1 of Division*
12 *3 of the Welfare and Institutions Code. The probation*
13 *officer shall report the same to the court and file his or her*
14 *report in writing in the records of such the court. When*
15 *directed, his the report shall contain his the probation*
16 *officer's recommendation for or against the release for*
17 ~~*such person of the defendant on probation. If any such*~~
18 ~~*person shall be the defendant is released on probation*~~
19 ~~*and committed to the care of the probation officer, such*~~
20 ~~*the officer shall keep a complete and accurate record in*~~
21 ~~*suitable books or other form in writing of all of the*~~
22 ~~*following:*~~

- 23 (1) ~~The history of the case in court, and of the.~~
24 (2) ~~The name of the probation officer; and his or her~~
25 ~~act in connection with said the case; also the.~~
26 (3) ~~The age, sex, nativity, residence, education, habit~~
27 ~~of temperance, whether married or single, and the~~
28 ~~marital status, conduct, employment and, occupation,~~
29 ~~and parents' occupation, and condition of such the person~~
30 ~~committed to his or her care during the term of such~~
31 ~~probation and the.~~
32 (4) ~~The result of such probation. Such~~
33 (b) ~~The record of such the probation officer shall be~~
34 ~~and constitute a part of the records of the court, and shall~~
35 ~~at all times be open to the inspection of the court or of any~~
36 ~~person appointed by the court for that purpose, as well as~~
37 ~~of all magistrates, and the chief of police, or other heads~~
38 ~~of the police, unless otherwise ordered by the court. Said~~



1 ~~books of~~ *The* records shall be furnished for the use of ~~said~~
2 *the* probation officer of ~~said the~~ county, and shall be paid
3 for out of the county treasury.

4 (c) Five years after termination of probation in any
5 case subject to this section, the probation officer may
6 destroy any records and papers in his *or her* possession
7 relating to ~~such the~~ case.

8 SEC. 2. Section 3201 of the Welfare and Institutions
9 Code is amended to read:

10 3201. (a) Except as otherwise provided in
11 subdivisions (b) and (c) of this section, if a person
12 committed pursuant to this chapter has not been
13 discharged from the program prior to *the* expiration of 16
14 months, the Director of Corrections shall, on the
15 expiration of ~~such that~~ period, return ~~him or her the~~
16 *person* to the court from which he or she was committed,
17 ~~which and the~~ court shall discharge ~~him or her the person~~
18 from the program and order him or her returned to the
19 court in which criminal proceedings were adjourned, or
20 the imposition of sentence suspended, prior to his or her
21 commitment or certification to the superior court.

22 (b) Any other provision of this chapter
23 notwithstanding, in any case in which a person was
24 committed pursuant to Article 3 (commencing with
25 Section 3100), ~~such the~~ person shall be discharged no later
26 than 12 months after his or her commitment.

27 (c) (1) *Notwithstanding subdivision (d) of Section*
28 *2931 of the Penal Code, any person described in*
29 *paragraph (2), who is committed pursuant to Article 2*
30 *(commencing with Section 3050) on or after January 1,*
31 *2000, shall be eligible for a one-third reduction in the*
32 *period spent in custody or confinement, excluding time*
33 *spent on outpatient status, for good behavior and*
34 *participation. Good behavior and participation credit is a*
35 *privilege, not a right. Good behavior and participation*
36 *credit shall be earned and may be forfeited pursuant to*
37 *Article 2.5 (commencing with Section 2930) of Chapter*
38 *7 of Title 1 of Part 3 of the Penal Code.*

39 (2) Any person committed pursuant to Article 2
40 (commencing with Section 3050), whose execution of



1 sentence in accordance with the provisions of Section
2 1170 of the Penal Code was suspended pending a
3 commitment pursuant to Section 3051, who has spent,
4 pursuant to this chapter, a period of time in confinement
5 or in custody, excluding any time spent on outpatient
6 status, equal to that which he or she would have otherwise
7 spent in state prison had sentence been executed,
8 including application of good behavior and participation
9 ~~credit provisions of Article 2.5 (commencing with Section~~
10 ~~2930) of Chapter 7 of Title 1 of Part 3 of the Penal Code~~
11 ~~earned pursuant to paragraph (1), shall, upon reaching~~
12 ~~such that accumulation of time, be released on parole~~
13 ~~under the jurisdiction of the Narcotic Addict Evaluation~~
14 ~~Authority subject to all of the conditions imposed by the~~
15 ~~authority and subject to the provisions of Article 1~~
16 ~~(commencing with Section 3000) of Chapter 8 of Title 1~~
17 ~~of Part 3 of the Penal Code. A person on parole who~~
18 ~~violates the rules, regulations or conditions imposed by~~
19 ~~the authority shall be subject to being retaken and~~
20 ~~returned to the California Rehabilitation Center as~~
21 ~~prescribed in such rules, regulations, or conditions and in~~
22 ~~accordance with the provisions of Sections 3151 and 3152.~~
23 ~~At the termination of this period of parole supervision or~~
24 ~~of custody in the California Rehabilitation Center, the~~
25 ~~person shall be returned by the Director of Corrections~~
26 ~~to the court from which such person was committed,~~
27 ~~which court shall discharge him or her from the program~~
28 ~~and order him or her returned to the court which~~
29 ~~suspended execution of such person's sentence to state~~
30 ~~prison. Such court, notwithstanding any other provision~~
31 ~~of law, shall suspend or terminate further proceedings in~~
32 ~~the interest of justice, modify the sentence in the same~~
33 ~~manner as if the commitment had been recalled pursuant~~
34 ~~to subdivision (d) of Section 1170 of the Penal Code, or~~
35 ~~order execution of the suspended sentence. Upon the~~
36 ~~ordering of the execution of such sentence, the term~~
37 ~~imposed shall be deemed to have been served in full.~~

38 (3) Except as otherwise provided in ~~the preceding~~
39 ~~paragraph (2), or as otherwise provided in Section 3200,~~
40 ~~the period of commitment, including outpatient status,~~



1 for persons committed pursuant to Section 3051, ~~which~~
2 ~~when that~~ commitment is subsequent to a criminal
3 conviction for which execution of sentence to state prison
4 is suspended, shall equal the term imposed under Section
5 1170 of the Penal Code, notwithstanding ~~the~~ good time
6 and participation credit provisions of *paragraph (1) or*
7 Article 2.5 (commencing with Section 2930) of Chapter
8 7 of Title 1 of Part 3 of ~~such code~~ *the Penal Code*. Upon
9 reaching ~~such that~~ period of time, ~~such~~ the person shall
10 be released on parole under the jurisdiction of the
11 Narcotic Addict Evaluation Authority subject to all of the
12 conditions imposed by the authority and subject to the
13 provisions of Article 1 (commencing with Section 3000)
14 of Chapter 8 of Title 1 of Part 3 of the Penal Code. ~~A~~

15 (4) A person on parole *pursuant to paragraph (2) or*
16 (3) who violates the rules, regulations, or conditions
17 imposed by the authority shall be subject to being retaken
18 and returned to the California Rehabilitation Center as
19 prescribed in ~~such~~ *those* rules, regulations, or conditions
20 and in accordance with the provisions of Sections 3151
21 and 3152. At the termination of this period of parole
22 supervision, or of custody in the California Rehabilitation
23 Center, the person shall be returned by the Director of
24 Corrections to the court from which he or she was
25 committed, ~~which and the~~ court shall discharge ~~such the~~
26 person from the program and order him or her returned
27 to the court ~~which that~~ suspended execution of the
28 person's sentence to state prison. ~~Such~~ *The* court,
29 notwithstanding any other provision of law, shall suspend
30 or terminate further proceedings in the interest of justice,
31 modify the sentence in the same manner as if the
32 commitment had been recalled pursuant to subdivision
33 (d) of Section 1170 of the Penal Code, or order execution
34 of the suspended sentence. Upon ~~ordering the ordering~~
35 ~~execution of the execution of such~~ sentence, the term
36 imposed shall be deemed to have been served in full.

37 (d) Nothing in this section shall preclude a person who
38 has been discharged from the program from being
39 recommitted under the program, irrespective of the
40 periods of time of any previous commitments.



1 *(e) The Department of Corrections shall contract for*
2 *an evaluation of the program provided for in this chapter*
3 *by an independent criminal justice policy expert to*
4 *determine its effectiveness in reducing narcotics*
5 *addiction and recidivism among offenders.*

6 SEC. 3. Notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains costs mandated by the
9 state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

