

Senate Bill No. 2177

Passed the Senate May 16, 1996

Secretary of the Senate

Passed the Assembly August 8, 1996

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1996, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 3001 and 5077 of the Penal Code, relating to parole, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2177, Kopp. Parole: discharge and revocation.

(1) Under existing law, the Board of Prison Terms is the parole authority for all prisoners sentenced to a term of imprisonment in state prison. When certain prisoners have been released on parole from state prison continuously for a certain period of time, they are required to be discharged from parole unless the Department of Corrections determines that they will be retained on parole. The department is required to make a written record of its determination and to transmit a copy thereof to the parolee.

This bill instead would provide that when any prisoner has been released on parole from state prison continuously for a certain period of time, that person is required to be discharged from parole unless, in some cases, the department recommends to the board that the person be retained on parole and, in all cases, the board determines that the person will be retained. The board would be required to make a written record of its determination and the department would be required to transmit a copy of the board's decision to the parolee.

(2) Under existing law, the Board of Prison Terms is required to review certain prisoner requests for reconsideration of denial of good-time credit and setting of parole length or conditions, while the Department of Corrections has responsibility for all other prisoners.

This bill would eliminate the department's responsibility in that area and transfer to the board the authority to review all prisoner requests for reconsideration.

(3) This bill would declare that it is to take effect immediately as an urgency statute.



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

SECTION 1. Section 3001 of the Penal Code is amended to read:

3001. (a) Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was not imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison, and has been on parole continuously for one year since release from confinement, within 30 days, that person shall be discharged from parole, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and the board, for good cause, determines that the person will be retained . Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison, and has been on parole continuously for two years since release from confinement, the department shall discharge, within 30 days, that person from parole, unless the department recommends to the board that the person be retained on parole and the board for good cause, determines that the person will be retained . The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(b) Notwithstanding any other provision of law, when any person referred to in paragraph (2) of subdivision (b) of Section 3000 has been released on parole from the state prison, and has been on parole continuously for three years since release from confinement, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.



(c) In the event of a retention on parole, the parolee shall be entitled to a review by the parole authority each year thereafter until the maximum statutory period of parole has expired.

(d) The amendments to this section made during the 1987–88 Regular Session of the Legislature shall only be applied prospectively and shall not extend the parole period for any person whose eligibility for discharge from parole was fixed as of the effective date of those amendments.

SEC. 2. Section 5077 of the Penal Code is amended to read:

5077. The Board of Prison Terms shall review the prisoners' requests for reconsideration of denial of good-time credit, and setting of parole length or conditions, and shall have the authority to modify the previously made decisions of the Department of Corrections as to these matters. The revocation of parole shall be determined by the Board of Prison Terms.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to remedy the inconsistencies in law regarding parole, it is necessary that this act take effect immediately.



Approved _____, 1996

Governor

