

ASSEMBLY BILL

No. 1490

Introduced by Assembly Member Essayli

February 21, 2025

An act to amend Section 646.92 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1490, as introduced, Essayli. Inmate release: notice to victims.

Existing law requires the Department of Corrections and Rehabilitation, county sheriff, or director of the local department of corrections to give notice not less than 15 days prior to the release from the state prison or a county jail of any person who is convicted of specified crimes, including a felony offense involving domestic violence, or of any change in the parole status or relevant change in the parole location of the convicted person or if the convicted person absconds from supervision while on parole, to any person the court identifies as a victim of the offense, a family member of the victim, or a witness to the offense.

This bill would require notice not less than 20 days prior to the release instead of 15 days.

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 646.92 of the Penal Code is amended to
2 read:
3 646.92. (a) (1) The Department of Corrections and
4 Rehabilitation, county sheriff, or director of the local department

1 of corrections shall give notice not less than ~~15~~ 20 days prior to
 2 the release from the state prison or a county jail of any person who
 3 is convicted of violating Section 646.9 or convicted of a felony
 4 offense involving domestic violence, as defined in Section 6211
 5 of the Family Code, or any change in the parole status or relevant
 6 change in the parole location of the convicted person, or if the
 7 convicted person absconds from supervision while on parole, to
 8 any person the court identifies as a victim of the offense, a family
 9 member of the victim, or a witness to the offense by telephone,
 10 ~~electronic mail, mail,~~ or certified mail at ~~his or her~~ *the person's*
 11 last known address, upon request and using the method of
 12 communication selected by the requesting party, if that method is
 13 available. A victim, family member, or witness shall keep the
 14 department or county sheriff informed of ~~his or her~~ *their* current
 15 contact information to be entitled to receive notice. A victim may
 16 designate another person for the purpose of receiving notification.
 17 The department, county sheriff, or director of the local department
 18 of corrections, shall make reasonable attempts to locate a person
 19 who has requested notification but whose contact information is
 20 incorrect or not current. However, the duty to keep the department
 21 or county sheriff informed of current contact information shall
 22 remain with the victim.

23 (2) Following notification by the department pursuant to Section
 24 3058.61, in the event the victim had not originally requested
 25 notification under this section, the sheriff or the chief of police, as
 26 appropriate, shall make an attempt to advise the victim or, if the
 27 victim is a minor, the parent or guardian of the victim, of the
 28 victim's right to notification under this section.

29 (b) All information relating to any person who receives notice
 30 under this section shall remain confidential and shall not be made
 31 available to the person convicted of violating this section.

32 (c) For purposes of this section, "release" includes a release
 33 from the state prison or a county jail because time has been served,
 34 a release from the state prison or a county jail to parole or probation
 35 supervision, or an escape from an institution or reentry facility.

36 (d) The department or county sheriff shall give notice of an
 37 escape from an institution or reentry facility of any person
 38 convicted of violating Section 646.9 or convicted of a felony
 39 offense involving domestic violence, as defined in Section 6211

- 1 of the Family Code, to the notice recipients described in
- 2 subdivision (a).
- 3 (e) Substantial compliance satisfies the notification requirements
- 4 of subdivision (a).

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