

AMENDED IN ASSEMBLY APRIL 28, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1483

Introduced by Assembly Member Haney

February 21, 2025

An act to amend Sections 17.5, 1203, 1203.2, 1231, 3000.08, 3056, 3057, 3450, 3453, 3454, and 3455 of, to amend and repeal Section 4019 of, to add Section 3057.5 to, and to repeal Section 1203.35 of, the Penal Code, relating to supervision.

LEGISLATIVE COUNSEL'S DIGEST

AB 1483, as amended, Haney. Supervision: violations.

Existing law requires prisoners sentenced to imprisonment in the state prison to serve time on parole or community supervision after their release from prison. Existing law authorizes courts to suspend the imposition or execution of punishments in specified criminal cases and instead enforce terms of probation or mandatory supervision. Existing law allows agencies responsible for supervision to determine appropriate responses to alleged violations, which can include, among other things, a one to 10 consecutive day period of flash incarceration.

This bill would prohibit a person on any of those forms of supervision from being arrested, detained, or incarcerated for a technical violation of supervision, as defined, unless the person on supervision has had their supervision revoked by a judge after a revocation petition has been filed, except as specified. The bill would define a technical violation as any conduct in violation of a person's conditions of supervision that is not a new misdemeanor or felony. The bill would require a supervision

agent to provide a person accused of a technical violation with a written summary of the technical violations alleged against them. The bill would prohibit the use of flash incarceration, and would make conforming changes. The bill would ~~prohibit confinement pursuant to a revocation of supervision for a technical violation for a first or 2nd violation, and limit it~~ *limit confinement pursuant to a revocation of supervision for a technical violation* to no more than 7 days for the ~~3rd~~ *first* revocation, 15 days for the ~~4th~~ *2nd* revocation, and 30 days for the ~~5th~~ *3rd* or subsequent revocation. By increasing duties on local supervision agents, this bill would impose a state-mandated local program.

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.

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 the statutory provisions noted above.

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 17.5 of the Penal Code is amended to
- 2 read:
- 3 17.5. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) The Legislature reaffirms its commitment to reducing
- 6 recidivism among criminal offenders.
- 7 (2) Despite the dramatic increase in corrections spending over
- 8 the past two decades, national reincarceration rates for people
- 9 released from prison remain unchanged or have worsened. National
- 10 data show that about 40 percent of released individuals are
- 11 reincarcerated within three years. In California, the recidivism rate
- 12 for persons who have served time in prison is even greater than
- 13 the national average.
- 14 (3) Criminal justice policies that rely on building and operating
- 15 more prisons to address community safety concerns are not
- 16 sustainable, and will not result in improved public safety.
- 17 (4) California must reinvest its criminal justice resources to
- 18 support community-based corrections programs and evidence-based

1 practices that will achieve improved public safety returns on this
2 state's substantial investment in its criminal justice system.

3 (5) Realigning low-level felony offenders who do not have prior
4 convictions for serious, violent, or sex offenses to locally run
5 community-based corrections programs, which are strengthened
6 through community-based punishment, evidence-based practices,
7 improved supervision strategies, and enhanced secured capacity,
8 will improve public safety outcomes among adult felons and
9 facilitate their reintegration back into society.

10 (6) Community-based corrections programs require a partnership
11 between local public safety entities and the county to provide and
12 expand the use of community-based punishment for low-level
13 offender populations. Each county's Local Community Corrections
14 Partnership, as established in paragraph (2) of subdivision (b) of
15 Section 1230, should play a critical role in developing programs
16 and ensuring appropriate outcomes for low-level offenders.

17 (7) Fiscal policy and correctional practices should align to
18 promote a justice reinvestment strategy that fits each county.
19 "Justice reinvestment" is a data-driven approach to reduce
20 corrections and related criminal justice spending and reinvest
21 savings in strategies designed to increase public safety. The purpose
22 of justice reinvestment is to manage and allocate criminal justice
23 populations more cost-effectively, generating savings that can be
24 reinvested in evidence-based strategies that increase public safety
25 while holding offenders accountable.

26 (8) "Community-based punishment" means correctional
27 sanctions and programming encompassing a range of custodial
28 and noncustodial responses to criminal or noncompliant offender
29 activity. Community-based punishment may be provided by local
30 public safety entities directly or through community-based public
31 or private correctional service providers, and include, but are not
32 limited to, the following:

33 (A) Intensive community supervision.

34 (B) Home detention with electronic monitoring or GPS
35 monitoring.

36 (C) Mandatory community service.

37 (D) Restorative justice programs such as mandatory victim
38 restitution and victim-offender reconciliation.

39 (E) Work, training, or education in a furlough program pursuant
40 to Section 1208.

1 (F) Work, in lieu of confinement, in a work release program
2 pursuant to Section 4024.2.

3 (G) Day reporting.

4 (H) Mandatory residential or nonresidential substance abuse
5 treatment programs.

6 (I) Mandatory random drug testing.

7 (J) Mother-infant care programs.

8 (K) Community-based residential programs offering structure,
9 supervision, drug treatment, alcohol treatment, literacy
10 programming, employment counseling, psychological counseling,
11 mental health treatment, or any combination of these and other
12 interventions.

13 (9) “Evidence-based practices” refers to supervision policies,
14 procedures, programs, and practices demonstrated by scientific
15 research to reduce recidivism among individuals under probation,
16 parole, or postrelease supervision.

17 (b) The provisions of this act are not intended to alleviate state
18 prison overcrowding.

19 SEC. 2. Section 1203 of the Penal Code is amended to read:

20 1203. (a) As used in this code, “probation” means the
21 suspension of the imposition or execution of a sentence and the
22 order of conditional and revocable release in the community under
23 the supervision of a probation officer. As used in this code,
24 “conditional sentence” means the suspension of the imposition or
25 execution of a sentence and the order of revocable release in the
26 community subject to conditions established by the court without
27 the supervision of a probation officer. It is the intent of the
28 Legislature that both conditional sentence and probation are
29 authorized whenever probation is authorized in any code as a
30 sentencing option for infractions or misdemeanors.

31 (b) (1) Except as provided in subdivision (j), if a person is
32 convicted of a felony and is eligible for probation, before judgment
33 is pronounced, the court shall immediately refer the matter to a
34 probation officer to investigate and report to the court, at a specified
35 time, upon the circumstances surrounding the crime and the prior
36 history and record of the person, which may be considered either
37 in aggravation or mitigation of the punishment.

38 (2) (A) The probation officer shall immediately investigate and
39 make a written report to the court containing findings and

1 recommendations, including recommendations as to the granting
2 or denying of probation and the conditions of probation, if granted.

3 (B) Pursuant to Section 828 of the Welfare and Institutions
4 Code, the probation officer shall include in the report any
5 information gathered by a law enforcement agency relating to the
6 taking of the defendant into custody as a minor, which shall be
7 considered for purposes of determining whether adjudications of
8 commissions of crimes as a juvenile warrant a finding that there
9 are circumstances in aggravation pursuant to Section 1170 or to
10 deny probation.

11 (C) If the person was convicted of an offense that requires that
12 person to register as a sex offender pursuant to Sections 290 to
13 290.023, inclusive, or if the probation report recommends that
14 registration be ordered at sentencing pursuant to Section 290.006,
15 the probation officer's report shall include the results of the
16 State-Authorized Risk Assessment Tool for Sex Offenders
17 (SARATSO) administered pursuant to Sections 290.04 to 290.06,
18 inclusive, if applicable.

19 (D) The probation officer may also include in the report
20 recommendations for both of the following:

21 (i) The amount the defendant should be required to pay as a
22 restitution fine pursuant to subdivision (b) of Section 1202.4.

23 (ii) Whether the court shall require, as a condition of probation,
24 restitution to the victim or to the Restitution Fund and the amount
25 thereof.

26 (E) The report shall be made available to the court and the
27 prosecuting and defense attorneys at least five days, or upon request
28 of the defendant or prosecuting attorney nine days, prior to the
29 time fixed by the court for the hearing and determination of the
30 report, and shall be filed with the clerk of the court as a record in
31 the case at the time of the hearing. The time within which the report
32 shall be made available and filed may be waived by written
33 stipulation of the prosecuting and defense attorneys that is filed
34 with the court or an oral stipulation in open court that is made and
35 entered upon the minutes of the court.

36 (3) At a time fixed by the court, the court shall hear and
37 determine the application, if one has been made, or, in any case,
38 the suitability of probation in the particular case. At the hearing,
39 the court shall consider any report of the probation officer,
40 including the results of the SARATSO, if applicable, and shall

1 make a statement that it has considered the report, which shall be
2 filed with the clerk of the court as a record in the case. If the court
3 determines that there are circumstances in mitigation of the
4 punishment prescribed by law or that the ends of justice would be
5 served by granting probation to the person, it may place the person
6 on probation. If probation is denied, the clerk of the court shall
7 immediately send a copy of the report to the Department of
8 Corrections and Rehabilitation at the prison or other institution to
9 which the person is delivered.

10 (4) The preparation of the report or the consideration of the
11 report by the court may be waived only by a written stipulation of
12 the prosecuting and defense attorneys that is filed with the court
13 or an oral stipulation in open court that is made and entered upon
14 the minutes of the court, except that a waiver shall not be allowed
15 unless the court consents thereto. However, if the defendant is
16 ultimately sentenced and committed to the state prison, a probation
17 report shall be completed pursuant to Section 1203c.

18 (c) If a defendant is not represented by an attorney, the court
19 shall order the probation officer who makes the probation report
20 to discuss its contents with the defendant.

21 (d) If a person is convicted of a misdemeanor, the court may
22 either refer the matter to the probation officer for an investigation
23 and a report or summarily pronounce a conditional sentence. If
24 the person was convicted of an offense that requires that person
25 to register as a sex offender pursuant to Sections 290 to 290.023,
26 inclusive, or if the probation officer recommends that the court,
27 at sentencing, order the offender to register as a sex offender
28 pursuant to Section 290.006, the court shall refer the matter to the
29 probation officer for the purpose of obtaining a report on the results
30 of the State-Authorized Risk Assessment Tool for Sex Offenders
31 administered pursuant to Sections 290.04 to 290.06, inclusive, if
32 applicable, which the court shall consider. If the case is not referred
33 to the probation officer, in sentencing the person, the court may
34 consider any information concerning the person that could have
35 been included in a probation report. The court shall inform the
36 person of the information to be considered and permit the person
37 to answer or controvert the information. For this purpose, upon
38 the request of the person, the court shall grant a continuance before
39 the judgment is pronounced.

(e) Except in unusual cases in which the interests of justice would best be served if the person is granted probation, probation shall not be granted to any of the following persons:

(1) Unless the person had a lawful right to carry a deadly weapon, other than a firearm, at the time of the perpetration of the crime or the person's arrest, any person who has been convicted of arson, robbery, carjacking, burglary, burglary with explosives, rape with force or violence, torture, aggravated mayhem, murder, attempt to commit murder, trainwrecking, kidnapping, escape from the state prison, or a conspiracy to commit one or more of those crimes and who was armed with the weapon at either of those times.

(2) Any person who used, or attempted to use, a deadly weapon upon a human being in connection with the perpetration of the crime of which that person has been convicted.

(3) Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which that person has been convicted.

(4) Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(5) Unless the person has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, torture, aggravated mayhem, murder, attempt to commit murder, trainwrecking, extortion, kidnapping, escape from the state prison, a violation of Section 286, 287, 288, or 288.5, or of former Section 288a, or a conspiracy to commit one or more of those crimes.

(6) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if that person committed any of the following acts:

(A) Unless the person had a lawful right to carry a deadly weapon at the time of the perpetration of the previous crime or the person's arrest for the previous crime, the person was armed with a weapon at either of those times.

1 (B) The person used, or attempted to use, a deadly weapon upon
2 a human being in connection with the perpetration of the previous
3 crime.

4 (C) The person willfully inflicted great bodily injury or torture
5 in the perpetration of the previous crime.

6 (7) Any public official or peace officer of this state or any city,
7 county, or other political subdivision who, in the discharge of the
8 duties of public office or employment, accepted or gave or offered
9 to accept or give any bribe, embezzled public money, or was guilty
10 of extortion.

11 (8) Any person who knowingly furnishes or gives away
12 phencyclidine.

13 (9) Any person who intentionally inflicted great bodily injury
14 in the commission of arson under subdivision (a) of Section 451
15 or who intentionally set fire to, burned, or caused the burning of,
16 an inhabited structure or inhabited property in violation of
17 subdivision (b) of Section 451.

18 (10) Any person who, in the commission of a felony, inflicts
19 great bodily injury or causes the death of a human being by the
20 discharge of a firearm from or at an occupied motor vehicle
21 proceeding on a public street or highway.

22 (11) Any person who possesses a short-barreled rifle or a
23 short-barreled shotgun under Section 33215, a machinegun under
24 Section 32625, or a silencer under Section 33410.

25 (12) Any person who is convicted of violating Section 8101 of
26 the Welfare and Institutions Code.

27 (13) Any person who is described in subdivision (b) or (c) of
28 Section 27590.

29 (f) When probation is granted in a case which comes within
30 subdivision (e), the court shall specify on the record and shall enter
31 on the minutes the circumstances indicating that the interests of
32 justice would best be served by that disposition.

33 (g) If a person is not eligible for probation, the judge shall refer
34 the matter to the probation officer for an investigation of the facts
35 relevant to determination of the amount of a restitution fine
36 pursuant to subdivision (b) of Section 1202.4 in all cases in which
37 the determination is applicable. The judge, in their discretion, may
38 direct the probation officer to investigate all facts relevant to the
39 sentencing of the person. Upon that referral, the probation officer
40 shall immediately investigate the circumstances surrounding the

1 crime and the prior record and history of the person and make a
2 written report to the court containing findings. The findings shall
3 include a recommendation of the amount of the restitution fine as
4 provided in subdivision (b) of Section 1202.4.

5 (h) If a defendant is convicted of a felony and a probation report
6 is prepared pursuant to subdivision (b) or (g), the probation officer
7 may obtain and include in the report a statement of the comments
8 of the victim concerning the offense. The court may direct the
9 probation officer not to obtain a statement if the victim has in fact
10 testified at any of the court proceedings concerning the offense.

11 (i) A probationer shall not be released to enter another state
12 unless the case has been referred to the Administrator of the
13 Interstate Probation and Parole Compacts, pursuant to the Uniform
14 Act for Out-of-State Probationer or Parolee Supervision (Article
15 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part
16 4).

17 (j) In any court in which a county financial evaluation officer
18 is available, in addition to referring the matter to the probation
19 officer, the court may order the defendant to appear before the
20 county financial evaluation officer for a financial evaluation of
21 the defendant's ability to pay restitution, in which case the county
22 financial evaluation officer shall report the findings regarding
23 restitution and other court-related costs to the probation officer on
24 the question of the defendant's ability to pay those costs.

25 Any order made pursuant to this subdivision may be enforced
26 as a violation of the terms and conditions of probation upon willful
27 failure to pay and at the discretion of the court, may be enforced
28 in the same manner as a judgment in a civil action, if any balance
29 remains unpaid at the end of the defendant's probationary period.

30 (k) Probation shall not be granted to, nor shall the execution of,
31 or imposition of sentence be suspended for, any person who is
32 convicted of a violent felony, as defined in subdivision (c) of
33 Section 667.5, or a serious felony, as defined in subdivision (c) of
34 Section 1192.7, and who was on probation for a felony offense at
35 the time of the commission of the new felony offense.

36 (l) A person who is granted probation is subject to search or
37 seizure as part of their terms and conditions only by a probation
38 officer or other peace officer.

39 SEC. 3. Section 1203.2 of the Penal Code is amended to read:

1 1203.2. (a) At any time during the period of supervision of a
2 person (1) released on probation under the care of a probation
3 officer pursuant to this chapter, (2) released on conditional sentence
4 or summary probation not under the care of a probation officer,
5 (3) placed on mandatory supervision pursuant to subparagraph (B)
6 of paragraph (5) of subdivision (h) of Section 1170, (4) subject to
7 revocation of postrelease community supervision pursuant to
8 Section 3455, or (5) subject to revocation of parole supervision
9 pursuant to Section 3000.08, if any probation officer, parole officer,
10 or peace officer has probable cause to believe that the supervised
11 person is violating any term or condition of the person's
12 supervision, the officer may, without warrant or other process and
13 at any time until the final disposition of the case, rearrest the
14 supervised person and bring them before the court, except as
15 provided in Section 3057.5, or the court may, in its discretion,
16 issue a warrant for their rearrest, except as provided in Section
17 3057.5. Whenever a person on probation who is subject to this
18 section is arrested, with or without a warrant or the filing of a
19 petition for revocation as described in subdivision (b), the court
20 shall consider the release of a person on probation from custody
21 in accordance with Section 1203.25. Notwithstanding Section
22 3056, whenever any supervised person who is subject to this
23 section and who is not on probation is arrested, with or without a
24 warrant or the filing of a petition for revocation as described in
25 subdivision (b), the court may order the release of the supervised
26 person from custody under any terms and conditions the court
27 deems appropriate. Upon rearrest, or upon the issuance of a warrant
28 for rearrest, the court may revoke and terminate the supervision
29 of the person if the interests of justice so require and the court, in
30 its judgment, has reason to believe from the report of the probation
31 or parole officer or otherwise that the person has violated any of
32 the conditions of their supervision, or has subsequently committed
33 other offenses, regardless of whether the person has been
34 prosecuted for those offenses. However, the court shall not
35 terminate parole pursuant to this section. Supervision shall not be
36 revoked solely for failure of a person to make restitution, or to pay
37 fines, fees, or assessments, imposed as a condition of supervision
38 unless the court determines that the defendant has willfully failed
39 to pay and has the ability to pay. Restitution shall be consistent
40 with a person's ability to pay. The revocation, summary or

1 otherwise, shall serve to toll the running of the period of
2 supervision.

3 (b) (1) Upon its own motion or upon the petition of the
4 supervised person, the probation or parole officer, or the district
5 attorney, the court may modify, revoke, or terminate supervision
6 of the person pursuant to this subdivision, except that the court
7 shall not terminate parole pursuant to this section. The court in the
8 county in which the person is supervised has jurisdiction to hear
9 the motion or petition, or for those on parole, either the court in
10 the county of supervision or the court in the county in which the
11 alleged violation of supervision occurred. A person supervised on
12 parole or postrelease community supervision pursuant to Section
13 3455 may not petition the court pursuant to this section for early
14 release from supervision, and a petition under this section shall
15 not be filed solely for the purpose of modifying parole. This section
16 does not prohibit the court in the county in which the person is
17 supervised or in which the alleged violation of supervision occurred
18 from modifying a person's parole when acting on the court's own
19 motion or a petition to revoke parole. The court shall give notice
20 of its motion, and the probation or parole officer or the district
21 attorney shall give notice of their petition to the supervised person,
22 the supervised person's attorney of record, and the district attorney
23 or the probation or parole officer, as the case may be. The
24 supervised person shall give notice of their petition to the probation
25 or parole officer and notice of any motion or petition shall be given
26 to the district attorney in all cases. The court shall refer its motion
27 or the petition to the probation or parole officer. After the receipt
28 of a written report from the probation or parole officer, the court
29 shall read and consider the report and either its motion or the
30 petition and may modify, revoke, or terminate the supervision of
31 the supervised person upon the grounds set forth in subdivision
32 (a) if the interests of justice so require.

33 (2) The notice required by this subdivision may be given to the
34 supervised person upon their first court appearance in the
35 proceeding. Upon the agreement by the supervised person in
36 writing to the specific terms of a modification or termination of a
37 specific term of supervision, any requirement that the supervised
38 person make a personal appearance in court for the purpose of a
39 modification or termination shall be waived. Prior to the
40 modification or termination and waiver of appearance, the

1 supervised person shall be informed of their right to consult with
2 counsel, and if indigent the right to secure court-appointed counsel.
3 If the supervised person waives their right to counsel a written
4 waiver shall be required. If the supervised person consults with
5 counsel and thereafter agrees to a modification, revocation, or
6 termination of the term of supervision and waiver of personal
7 appearance, the agreement shall be signed by counsel showing
8 approval for the modification or termination and waiver.

9 (c) Upon any revocation and termination of probation the court
10 may, if the sentence has been suspended, pronounce judgment for
11 any time within the longest period for which the person might have
12 been sentenced. However, if the judgment has been pronounced
13 and the execution thereof has been suspended, the court may revoke
14 the suspension and order that the judgment shall be in full force
15 and effect. In either case, the person shall be delivered over to the
16 proper officer to serve their sentence, less any credits herein
17 provided for.

18 (d) In any case of revocation and termination of probation,
19 including, but not limited to, cases in which the judgment has been
20 pronounced and the execution thereof has been suspended, upon
21 the revocation and termination, the court may, in lieu of any other
22 sentence, commit the person to the Department of Corrections and
23 Rehabilitation, Division of Juvenile Facilities if the person is
24 otherwise eligible for that commitment.

25 (e) If probation has been revoked before the judgment has been
26 pronounced, the order revoking probation may be set aside for
27 good cause upon motion made before pronouncement of judgment.
28 If probation has been revoked after the judgment has been
29 pronounced, the judgment and the order which revoked the
30 probation may be set aside for good cause within 30 days after the
31 court has notice that the execution of the sentence has commenced.
32 If an order setting aside the judgment, the revocation of probation,
33 or both is made after the expiration of the probationary period, the
34 court may again place the person on probation for that period and
35 with those terms and conditions as it could have done immediately
36 following conviction.

37 (f) As used in this section, the following definitions shall apply:

38 (1) "Court" means a judge, magistrate, or revocation hearing
39 officer described in Section 71622.5 of the Government Code.

1 (2) "Probation officer" means a probation officer as described
2 in Section 1203 or an officer of the agency designated by the board
3 of supervisors of a county to implement postrelease community
4 supervision pursuant to Section 3451.

5 (3) "Supervised person" means a person who satisfies any of
6 the following:

7 (A) The person is released on probation subject to the
8 supervision of a probation officer.

9 (B) The person is released on conditional sentence or summary
10 probation not under the care of a probation officer.

11 (C) The person is subject to mandatory supervision pursuant to
12 subparagraph (B) of paragraph (5) of subdivision (h) of Section
13 1170.

14 (D) The person is subject to revocation of postrelease
15 community supervision pursuant to Section 3455.

16 (E) The person is subject to revocation of parole pursuant to
17 Section 3000.08.

18 (g) This section does not affect the authority of the supervising
19 agency to impose intermediate sanctions to persons supervised on
20 parole pursuant to Section 3000.8 or postrelease community
21 supervision pursuant to Title 2.05 (commencing with Section 3450)
22 of Part 3.

23 SEC. 4. Section 1203.35 of the Penal Code is repealed.

24 SEC. 5. Section 1231 of the Penal Code is amended to read:

25 1231. (a) Community corrections programs funded pursuant
26 to this chapter shall identify and track specific outcome-based
27 measures consistent with the goals of this act.

28 (b) The Judicial Council, in consultation with the Chief
29 Probation Officers of California, shall specify and define minimum
30 required outcome-based measures, which shall include, but not be
31 limited to, all of the following:

32 (1) The percentage of persons subject to local supervision who
33 are being supervised in accordance with evidence-based practices.

34 (2) The percentage of state moneys expended for programs that
35 are evidence based, and a descriptive list of all programs that are
36 evidence based.

37 (3) Specification of supervision policies, procedures, programs,
38 and practices that were eliminated.

39 (4) The percentage of persons subject to local supervision who
40 successfully complete the period of supervision.

1 (c) Each CPO receiving funding pursuant to Sections 1233 to
2 1233.6, inclusive, shall provide an annual written report to the
3 Judicial Council, evaluating the effectiveness of the community
4 corrections program, including, but not limited to, the data
5 described in subdivision (b).

6 (d) The Judicial Council, shall, in consultation with the CPO of
7 each county and the Department of Corrections and Rehabilitation,
8 provide a quarterly statistical report to the Department of Finance
9 including, but not limited to, the following statistical information
10 for each county:

11 (1) The number of felony filings.

12 (2) The number of felony convictions.

13 (3) The number of felony convictions in which the defendant
14 was sentenced to the state prison.

15 (4) The number of felony convictions in which the defendant
16 was granted probation.

17 (5) The adult felon probation population.

18 (6) The number of adult felony probationers who had their
19 probation terminated and revoked and were sent to state prison for
20 that revocation.

21 (7) The number of adult felony probationers sent to state prison
22 for a conviction of a new felony offense, including when probation
23 was revoked or terminated.

24 (8) The number of adult felony probationers who had their
25 probation revoked and were sent to county jail for that revocation.

26 (9) The number of adult felony probationers sent to county jail
27 for a conviction of a new felony offense, including when probation
28 was revoked or terminated.

29 (10) The number of felons placed on postrelease community
30 supervision, commencing January 1, 2012.

31 (11) The number of felons placed on mandatory supervision,
32 commencing January 1, 2012.

33 (12) The mandatory supervision population, commencing
34 January 1, 2012.

35 (13) The postrelease community supervision population,
36 commencing January 1, 2012.

37 (14) The number of felons on postrelease community supervision
38 sentenced to state prison for a conviction of a new felony offense,
39 commencing January 1, 2012.

1 (15) The number of felons on mandatory supervision sentenced
2 to state prison for a conviction of a new felony offense,
3 commencing January 1, 2012.

4 (16) The number of felons who had their postrelease community
5 supervision revoked and were sent to county jail for that revocation,
6 commencing January 1, 2012.

7 (17) The number of felons on postrelease community supervision
8 sentenced to county jail for a conviction of a new felony offense,
9 including when postrelease community supervision was revoked
10 or terminated, commencing January 1, 2012.

11 (18) The number of felons who had their mandatory supervision
12 revoked and were sentenced to county jail for that revocation,
13 commencing January 1, 2012.

14 (19) The number of felons on mandatory supervision sentenced
15 to county jail for a conviction of a new felony offense, including
16 when mandatory supervision was revoked or terminated,
17 commencing January 1, 2012.

18 SEC. 6. Section 3000.08 of the Penal Code is amended to read:

19 3000.08. (a) A person released from state prison prior to or
20 on or after July 1, 2013, after serving a prison term, or whose
21 sentence has been deemed served pursuant to Section 2900.5, for
22 any of the following crimes is subject to parole supervision by the
23 Department of Corrections and Rehabilitation and the jurisdiction
24 of the court in the county in which the parolee is released, resides,
25 or in which an alleged violation of supervision has occurred, for
26 the purpose of hearing petitions to revoke parole and impose a
27 term of custody:

28 (1) A serious felony as described in subdivision (c) of Section
29 1192.7.

30 (2) A violent felony as described in subdivision (c) of Section
31 667.5.

32 (3) A crime for which the person was sentenced pursuant to
33 paragraph (2) of subdivision (e) of Section 667 or paragraph (2)
34 of subdivision (c) of Section 1170.12.

35 (4) Any crime for which the person is classified as a high-risk
36 sex offender.

37 (5) Any crime for which the person is required, as a condition
38 of parole, to undergo treatment by the State Department of State
39 Hospitals pursuant to Section 2962.

1 (b) Notwithstanding any other law, all other offenders released
2 from prison shall be placed on postrelease supervision pursuant
3 to Title 2.05 (commencing with Section 3450).

4 (c) At any time during the period of parole of a person subject
5 to this section, if any parole agent or peace officer has probable
6 cause to believe that the parolee is violating any term or condition
7 of their parole, the agent or officer may, without warrant or other
8 process and at any time until the final disposition of the case, arrest
9 the person and bring them before the court, except as provided in
10 Section 3057.5, or the court may, in its discretion, issue a warrant
11 for that person's arrest pursuant to Section 1203.2, except as
12 provided in Section 3057.5. Notwithstanding Section 3056,
13 whenever a supervised person who is subject to this section is
14 arrested, with or without a warrant or the filing of a petition for
15 revocation as described in subdivision (f), the court may order the
16 release of the parolee from custody under any terms and conditions
17 the court deems appropriate.

18 (d) Upon review of the alleged violation and a finding of good
19 cause that the parolee has committed a violation of law or violated
20 their conditions of parole, the supervising parole agency may
21 impose additional and appropriate conditions of supervision,
22 including rehabilitation and treatment services and appropriate
23 incentives for compliance, and impose immediate, structured, and
24 intermediate sanctions for parole violations. This section does not
25 preclude referrals to a reentry court pursuant to Section 3015.

26 (e) If the supervising parole agency has determined, following
27 application of its assessment processes, that intermediate sanctions
28 are not appropriate, the supervising parole agency shall, pursuant
29 to Section 1203.2, petition either the court in the county in which
30 the parolee is being supervised or the court in the county in which
31 the alleged violation of supervision occurred, to revoke parole. At
32 any point during the process initiated pursuant to this section, a
33 parolee may waive, in writing, their right to counsel, admit the
34 parole violation, waive a court hearing, and accept the proposed
35 parole modification or revocation. The petition shall include a
36 written report that contains additional information regarding the
37 petition, including the relevant terms and conditions of parole, the
38 circumstances of the alleged underlying violation, the history and
39 background of the parolee, and any recommendations. The Judicial
40 Council shall adopt forms and rules of court to establish uniform

1 statewide procedures to implement this subdivision, including the
2 minimum contents of supervision agency reports. Upon a finding
3 that the person has violated the conditions of parole, the court shall
4 have authority to do any of the following:

5 (1) Return the person to parole supervision with modifications
6 of conditions, if appropriate, including a period of incarceration
7 in a county jail, except as provided in Section 3057.5.

8 (2) Revoke parole and order the person to confinement in a
9 county jail, except as provided in Section 3057.5.

10 (3) Refer the person to a reentry court pursuant to Section 3015
11 or other evidence-based program in the court's discretion.

12 (f) Confinement pursuant to paragraphs (1) and (2) of
13 subdivision ~~(f)~~ shall be *(e) shall not exceed a period of 180 days*
14 *in a county jail*, subject to the limitation in Section 3057.5.

15 (g) Notwithstanding any other law, if Section 3000.1 or
16 paragraph (4) of subdivision (b) of Section 3000 applies to a person
17 who is on parole and the court determines that the person has
18 committed a violation of law or violated their conditions of parole,
19 the person on parole shall be remanded to the custody of the
20 Department of Corrections and Rehabilitation and the jurisdiction
21 of the Board of Parole Hearings for the purpose of future parole
22 consideration.

23 (h) Notwithstanding subdivision (a), any of the following
24 persons released from state prison shall be subject to the
25 jurisdiction of, and parole supervision by, the Department of
26 Corrections and Rehabilitation for a period of parole up to three
27 years or the parole term the person was subject to at the time of
28 the commission of the offense, whichever is greater:

29 (1) The person is required to register as a sex offender pursuant
30 to Chapter 5.5 (commencing with Section 290) of Title 9 of Part
31 1, and was subject to a period of parole exceeding three years at
32 the time they committed a felony for which they were convicted
33 and subsequently sentenced to state prison.

34 (2) The person was subject to parole for life pursuant to Section
35 3000.1 at the time of the commission of the offense that resulted
36 in a conviction and state prison sentence.

37 (i) Parolees subject to this section who have a pending
38 adjudication for a parole violation on July 1, 2013, are subject to
39 the jurisdiction of the Board of Parole Hearings. Parole revocation
40 proceedings conducted by the Board of Parole Hearings prior to

1 July 1, 2013, if reopened on or after July 1, 2013, are subject to
2 the jurisdiction of the Board of Parole Hearings.

3 (j) Except as described in subdivision (c), any person who is
4 convicted of a felony that requires community supervision and
5 who still has a period of state parole to serve shall discharge from
6 state parole at the time of release to community supervision.

7 (k) Any person released to parole supervision pursuant to
8 subdivision (a) shall, regardless of any subsequent determination
9 that the person should have been released pursuant to subdivision
10 (b), remain subject to subdivision (a) after having served 60 days
11 under supervision pursuant to subdivision (a).

12 SEC. 7. Section 3056 of the Penal Code is amended to read:

13 3056. (a) Prisoners on parole shall remain under the
14 supervision of the department but shall not be returned to prison
15 except as provided in subdivision (b) or as provided by subdivision
16 (c) of Section 3000.09. A parolee awaiting a parole revocation
17 hearing may be housed in a county jail while awaiting revocation
18 proceedings, except as provided in Section 3057.5. If a parolee is
19 housed in a county jail, they shall be housed in the county in which
20 they were arrested or the county in which a petition to revoke
21 parole has been filed or, if there is no county jail in that county,
22 in the housing facility with which that county has contracted to
23 house jail inmates. Additionally, except as provided by subdivision
24 (c) of Section 3000.09, upon revocation of parole, a parolee may
25 be housed in a county ~~jail~~, *jail for a maximum of 180 days per*
26 *revocation*, subject to the limitations in Section 3057.5. When
27 housed in county facilities, parolees shall be under the sole legal
28 custody and jurisdiction of local county facilities. A parolee shall
29 remain under the sole legal custody and jurisdiction of the local
30 county or local correctional administrator, even if placed in an
31 alternative custody program in lieu of incarceration, including, but
32 not limited to, work furlough and electronic home detention. When
33 a parolee is under the legal custody and jurisdiction of a county
34 facility awaiting parole revocation proceedings or upon revocation,
35 the parolee shall not be under the parole supervision or jurisdiction
36 of the department. Whenever a parolee who is subject to this
37 section has been arrested, with or without a warrant or the filing
38 of a petition for revocation with the court, the court may order the
39 release of the parolee from custody under any terms and conditions
40 the court deems appropriate. When released from the county facility

1 or county alternative custody program following a period of
2 custody for revocation of parole or because no violation of parole
3 is found, the parolee shall be returned to the parole supervision of
4 the department for the duration of parole.

5 (b) Inmates paroled pursuant to Section 3000.1 may be returned
6 to prison following the revocation of parole by the Board of Parole
7 Hearings until July 1, 2013, and thereafter by a court pursuant to
8 Section 3000.08.

9 (c) Until July 1, 2021, a parolee who is subject to subdivision
10 (a), but who is under 18 years of age, may be housed in a facility
11 of the Division of Juvenile Justice, Department of Corrections and
12 Rehabilitation.

13 SEC. 8. Section 3057 of the Penal Code is amended to read:

14 3057. (a) Confinement pursuant to a revocation of parole in
15 the absence of a new conviction and commitment to prison under
16 other provisions of law, shall not exceed 12 months, except as
17 provided in subdivision (c) and Section 3057.5.

18 (b) Upon completion of confinement pursuant to parole
19 revocation without a new commitment to prison, the inmate shall
20 be released on parole for a period that shall not extend beyond that
21 portion of the maximum statutory period of parole specified by
22 Section 3000 which was unexpired at the time of each revocation.

23 (c) Notwithstanding the limitations in subdivision (a) and in
24 Section 3060.5 upon confinement pursuant to a parole revocation,
25 the parole authority may extend the confinement pursuant to parole
26 revocation for a maximum of an additional 12 months for
27 subsequent acts of misconduct committed by the parolee while
28 confined pursuant to that parole revocation, except as provided in
29 Section 3057.5. Upon a finding of good cause to believe that a
30 parolee has committed a subsequent act of misconduct and utilizing
31 procedures governing parole revocation proceedings, the parole
32 authority may extend the period of confinement pursuant to parole
33 revocation as follows: (1) not more than 180 days for an act
34 punishable as a felony, whether or not prosecution is undertaken,
35 (2) not more than 90 days for an act punishable as a misdemeanor,
36 whether or not prosecution is undertaken, and (3) not more than
37 30 days for an act defined as a serious disciplinary offense pursuant
38 to subdivision (a) of Section 2932, except as provided in Section
39 3057.5.

(d) (1) Except for parolees specified in paragraph (2), any revocation period imposed under subdivision (a) may be reduced in the same manner and to the same extent as a term of imprisonment may be reduced by worktime credits under Section 2933. Worktime credit shall be earned and may be forfeited pursuant to the provisions of Section 2932.

Worktime credit forfeited shall not be restored.

(2) The following parolees shall not be eligible for credit under this subdivision:

(A) Parolees who are sentenced under Section 1168 with a maximum term of life imprisonment.

(B) Parolees who violated a condition of parole relating to association with specified persons, entering prohibited areas, attendance at parole outpatient clinics, or psychiatric attention.

(C) Parolees who were revoked for conduct described in, or that could be prosecuted under any of the following sections, whether or not prosecution is undertaken: Section 189, Section 191.5, subdivision (a) of Section 192, subdivision (a) of Section 192.5, Section 203, 207, 211, 215, 217.1, or 220, subdivision (b) of Section 241, Section 244, paragraph (1) or (2) of subdivision (a) of Section 245, paragraph (2) or (6) of subdivision (a) of Section 261, paragraph (1) or (4) of subdivision (a) of former Section 262, Section 264.1, subdivision (c) or (d) of Section 286, subdivision (c) or (d) of Section 287 or of former Section 288a, Section 288, subdivision (a) of Section 289, 347, or 404, subdivision (a) of Section 451, Section 12022, 12022.5, 12022.53, 12022.7, 12022.8, or 25400, Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, any provision listed in Section 16590, or Section 664 for any attempt to engage in conduct described in or that could be prosecuted under any of the above-mentioned sections.

(D) Parolees who were revoked for any reason if they had been granted parole after conviction of any of the offenses specified in subparagraph (C).

(E) Parolees who the parole authority finds at a revocation hearing to be unsuitable for reduction of the period of confinement because of the circumstances and gravity of the parole violation, or because of prior criminal history.

(e) Commencing October 1, 2011, this section shall only apply to inmates sentenced to a term of life imprisonment or parolees

1 that on or before September 30, 2011, are pending a final
2 adjudication of a parole revocation charge and subject to
3 subdivision (c) of Section 3000.09.

4 SEC. 9. Section 3057.5 is added to the Penal Code, to read:

5 3057.5. (a) The Legislature finds and declares that
6 incarcerating people for technical violations undermines
7 rehabilitation and public safety and should only be employed where
8 no less restrictive means are available.

9 (b) A person shall not be detained, arrested, or incarcerated for
10 a technical violation of supervision, unless the person on
11 supervision has had their supervision revoked by a judge after a
12 revocation petition has been filed.

13 (c) *There is a presumption against confinement for technical*
14 *violations of supervision unless the court finds by a preponderance*
15 *of the evidence that the defendant cannot be safely diverted from*
16 *confinement through less restrictive means.*

17 (e)

18 (d) If a person is accused of a technical violation of supervision,
19 the person's supervision agent shall provide the person with a
20 written summary and explanation of the facts related to the
21 technical violations alleged against them.

22 ~~(d) (1) If a person is accused of a technical violation of~~
23 ~~supervision, the person's supervision agent may mandate that the~~
24 ~~person on supervision appear in a supervision office to adjudicate~~
25 ~~the technical violation informally. This adjudication shall include~~
26 ~~a reasonable opportunity for the person on supervision to respond~~
27 ~~to the alleged violation. If the supervision agent determines that a~~
28 ~~preponderance of the evidence available establishes a violation,~~
29 ~~the agent may impose an intermediate sanction. Agents may also~~
30 ~~conduct this adjudication remotely, or in the community. This~~
31 ~~adjudication shall occur outside of the person on supervision's~~
32 ~~regular work hours.~~

33 ~~(2) If a person commits a technical violation of supervision and~~
34 ~~a hearing is to occur for that violation, supervision agents may~~
35 ~~issue a summons for the person on supervision to appear in court~~
36 ~~for the hearing.~~

37 (e) A person who absconds while on supervision ~~or fails to~~
38 ~~appear at a hearing relating to their technical violation~~ may be
39 arrested and detained. In such circumstances, the person ~~must~~ *shall*
40 have a recognizance hearing within 48 72 hours of being arrested.

1 *At the recognizance hearing, the court shall consider all available*
2 *evidence regarding the individual's employment, family, and*
3 *community ties.*

4 (f) Confinement pursuant to a revocation of supervision for a
5 technical violation ~~is not permitted for the first or second~~
6 ~~revocation, and it is limited to a maximum of 7 days for the third~~
7 ~~first~~ revocation, 15 days for the ~~fourth~~ *second* revocation, and 30
8 days for the ~~fifth~~ *third* revocation and any thereafter. ~~For purposes~~
9 ~~of this section, multiple technical violations stemming from the~~
10 ~~same continuous course of conduct shall not constitute separate~~
11 ~~technical violations.~~

12 (g) ~~There is a presumption against confinement for technical~~
13 ~~violations of supervision. The court may impose a sentence of~~
14 ~~confinement upon revocation for a technical violation only if the~~
15 ~~court finds by a preponderance of the evidence that the defendant~~
16 ~~committed a technical violation that involves an identifiable threat~~
17 ~~to public safety and the defendant cannot be safely diverted from~~
18 ~~total confinement through less restrictive means.~~

19 (h)

20 (g) If a court imposes a sentence of confinement following a
21 revocation, the basis of which is for one or more technical
22 violations, the court shall consider the employment status of the
23 defendant. ~~There is a presumption that courts shall~~ *The court shall,*
24 *whenever practicable,* allow the term of confinement for a technical
25 violation to be served on weekends or other nonwork days for
26 people on supervision who are ~~employed, unless there is a~~
27 ~~preponderance of evidence that incarceration on days of~~
28 ~~employment is necessary to protect public safety.~~ *employed.*

29 (i)

30 (h) It is the intent of the Legislature that supervision agents
31 respond to technical violations with supportive services and
32 intermediate sanctions in the community, rather than a petition for
33 revocation, except where supportive services and intermediate
34 sanctions will be inadequate to prevent criminal activity.

35 (j)

36 (i) For the purposes of this section, the following terms have
37 the following meanings:

38 (1) "Supervision" means probation supervision, informal
39 probation, mandatory supervision, postrelease community
40 supervision, or parole supervision, or any other kind of supervision.

1 “Supervision” does not include incarceration in a county jail or
2 state prison.

3 (2) “Technical violation” means any conduct that is a violation
4 of a person’s conditions of supervision that does not meet all of
5 the elements of a new misdemeanor or felony.

6 SEC. 10. Section 3450 of the Penal Code is amended to read:

7 3450. (a) This act shall be known and may be cited as the
8 Postrelease Community Supervision Act of 2011.

9 (b) The Legislature finds and declares all of the following:

10 (1) The Legislature reaffirms its commitment to reducing
11 recidivism among criminal offenders.

12 (2) Despite the dramatic increase in corrections spending over
13 the past two decades, national reincarceration rates for people
14 released from prison remain unchanged or have worsened. National
15 data show that about 40 percent of released individuals are
16 reincarcerated within three years. In California, the recidivism rate
17 for persons who have served time in prison is even greater than
18 the national average.

19 (3) Criminal justice policies that rely on the reincarceration of
20 parolees for technical violations do not result in improved public
21 safety.

22 (4) California must reinvest its criminal justice resources to
23 support community corrections programs and evidence-based
24 practices that will achieve improved public safety returns on this
25 state’s substantial investment in its criminal justice system.

26 (5) Realigning the postrelease supervision of certain felons
27 reentering the community after serving a prison term to local
28 community corrections programs, which are strengthened through
29 community-based punishment, evidence-based practices, and
30 improved supervision strategies, will improve public safety
31 outcomes among adult felon parolees and will facilitate their
32 successful reintegration back into society.

33 (6) Community corrections programs require a partnership
34 between local public safety entities and the county to provide and
35 expand the use of community-based punishment for offenders
36 paroled from state prison. Each county’s local Community
37 Corrections Partnership, as established in paragraph (2) of
38 subdivision (b) of Section 1230, should play a critical role in
39 developing programs and ensuring appropriate outcomes for
40 persons subject to postrelease community supervision.

(7) Fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. “Justice reinvestment” is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

(8) “Community-based punishment” means evidence-based correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity. Intermediate sanctions may be provided by local public safety entities directly or through public or private correctional service providers and include, but are not limited to, the following:

(A) Intensive community supervision.

(B) Home detention with electronic monitoring or GPS monitoring.

(C) Mandatory community service.

(D) Restorative justice programs, such as mandatory victim restitution and victim-offender reconciliation.

(E) Work, training, or education in a furlough program pursuant to Section 1208.

(F) Work, in lieu of confinement, in a work release program pursuant to Section 4024.2.

(G) Day reporting.

(H) Mandatory residential or nonresidential substance abuse treatment programs.

(I) Mandatory random drug testing.

(J) Mother-infant care programs.

(K) Community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, mental health treatment, or any combination of these and other interventions.

(9) “Evidence-based practices” refers to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.

1 SEC. 11. Section 3453 of the Penal Code is amended to read:
2 3453. Postrelease community supervision shall include the
3 following conditions:

- 4 (a) The person shall be informed of the conditions of release.
5 (b) The person shall obey all laws.
6 (c) The person shall report to the supervising county agency
7 within two working days of release from custody.
8 (d) The person shall follow the directives and instructions of
9 the supervising county agency.
10 (e) The person shall report to the supervising county agency as
11 directed by that agency.
12 (f) The person, and their residence and possessions, shall be
13 subject to search at any time of the day or night, with or without
14 a warrant, by an agent of the supervising county agency or by a
15 peace officer.
16 (g) The person shall waive extradition if found outside the state.
17 (h) (1) The person shall inform the supervising county agency
18 of the person's place of residence and shall notify the supervising
19 county agency of any change in residence, or the establishment of
20 a new residence if the person was previously transient, within five
21 working days of the change.
22 (2) For purposes of this section, "residence" means one or more
23 locations at which a person regularly resides, regardless of the
24 number of days or nights spent there, such as a shelter or structure
25 that can be located by a street address, including, but not limited
26 to, a house, apartment building, motel, hotel, homeless shelter,
27 and recreational or other vehicle. If the person has no residence,
28 they shall inform the supervising county agency that they are
29 transient.
30 (i) (1) The person shall inform the supervising county agency
31 of the person's place of employment, education, or training. The
32 person shall inform the supervising agency of any pending or
33 anticipated change in employment, education, or training.
34 (2) If the person enters into new employment, they shall inform
35 the supervising county agency of the new employment within three
36 business days of that entry.
37 (j) The person shall immediately inform the supervising county
38 agency if they are arrested or receive a citation.

1 (k) The person shall obtain the permission of the supervising
2 county agency to travel more than 50 miles from the person's place
3 of residence.

4 (l) The person shall obtain a travel pass from the supervising
5 county agency before they may leave the county or state for more
6 than two days.

7 (m) The person shall not be in the presence of a firearm or
8 ammunition, or any item that appears to be a firearm or
9 ammunition.

10 (n) The person shall not possess, use, or have access to any
11 weapon listed in Section 16140, subdivision (c) of Section 16170,
12 Section 16220, 16260, 16320, 16330, or 16340, subdivision (b)
13 of Section 16460, Section 16470, subdivision (f) of Section 16520,
14 or Section 16570, 16740, 16760, 16830, 16920, 16930, 16940,
15 17090, 17125, 17160, 17170, 17180, 17190, 17200, 17270, 17280,
16 17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720, 17725,
17 17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200, 20310,
18 20410, 20510, 20610, 20611, 20710, 20910, 21110, 21310, 21810,
19 22210, 22215, 22410, 24310, 24410, 24510, 24610, 24680, 24710,
20 30210, 30215, 31500, 32310, 32400, 32405, 32410, 32415, 32420,
21 32425, 32430, 32435, 32440, 32445, 32450, 32900, 33215, 33220,
22 33225, or 33600.

23 (o) (1) Except as provided in paragraph (2) and subdivision
24 (p), the person shall not possess a knife with a blade longer than
25 two inches.

26 (2) The person may possess a kitchen knife with a blade longer
27 than two inches if the knife is used and kept only in the kitchen of
28 the person's residence.

29 (p) The person may use a knife with a blade longer than two
30 inches, if the use is required for that person's employment, the use
31 has been approved in a document issued by the supervising county
32 agency, and the person possesses the document of approval at all
33 times and makes it available for inspection.

34 (q) The person shall participate in rehabilitation programming
35 as recommended by the supervising county agency.

36 (r) The person shall be subject to arrest with or without a warrant
37 by a peace officer employed by the supervising county agency or,
38 at the direction of the supervising county agency, by any peace
39 officer when there is probable cause to believe the person has

1 violated the terms and conditions of release, except as provided
2 in Section 3057.5.

3 (s) The person shall pay court-ordered restitution and restitution
4 fines in the same manner as a person placed on probation.

5 SEC. 12. Section 3454 of the Penal Code is amended to read:

6 3454. (a) Each supervising county agency, as established by
7 the county board of supervisors pursuant to subdivision (a) of
8 Section 3451, shall establish a review process for assessing and
9 refining a person's program of postrelease supervision. Any
10 additional postrelease supervision conditions shall be reasonably
11 related to the underlying offense for which the offender spent time
12 in prison, or to the offender's risk of recidivism, and the offender's
13 criminal history, and be otherwise consistent with law.

14 (b) Each county agency responsible for postrelease supervision,
15 as established by the county board of supervisors pursuant to
16 subdivision (a) of Section 3451, may determine additional
17 appropriate conditions of supervision listed in Section 3453
18 consistent with public safety, including the use of continuous
19 electronic monitoring as defined in Section 1210.7, order the
20 provision of appropriate rehabilitation and treatment services,
21 determine appropriate incentives, and determine and order
22 appropriate responses to alleged violations, which can include, but
23 shall not be limited to, immediate, structured, and intermediate
24 sanctions up to and including referral to a reentry court pursuant
25 to Section 3015.

26 SEC. 13. Section 3455 of the Penal Code is amended to read:

27 3455. (a) If the supervising county agency has determined,
28 following application of its assessment processes, that intermediate
29 sanctions as authorized in subdivision (b) of Section 3454 are not
30 appropriate, the supervising county agency shall petition the court
31 pursuant to Section 1203.2 to revoke, modify, or terminate
32 postrelease community supervision. At any point during the process
33 initiated pursuant to this section, a person may waive, in writing,
34 their right to counsel, admit the violation of their postrelease
35 community supervision, waive a court hearing, and accept the
36 proposed modification of their postrelease community supervision.
37 The petition shall include a written report that contains additional
38 information regarding the petition, including the relevant terms
39 and conditions of postrelease community supervision, the
40 circumstances of the alleged underlying violation, the history and

1 background of the violator, and any recommendations. The Judicial
2 Council shall adopt forms and rules of court to establish uniform
3 statewide procedures to implement this subdivision, including the
4 minimum contents of supervision agency reports. Upon a finding
5 that the person has violated the conditions of postrelease
6 community supervision, the revocation hearing officer shall have
7 authority to do all of the following:

8 (1) Return the person to postrelease community supervision
9 with modifications of conditions, if appropriate, including a period
10 of incarceration in a county jail.

11 (2) Revoke and terminate postrelease community supervision
12 and order the person to confinement in a county jail.

13 (3) Refer the person to a reentry court pursuant to Section 3015
14 or other evidence-based program in the court's discretion.

15 (b) (1) At any time during the period of postrelease community
16 supervision, if a peace officer has probable cause to believe a
17 person subject to postrelease community supervision is violating
18 any term or condition of their release, the officer may, without a
19 warrant or other process, arrest the person and bring them before
20 the supervising county agency established by the county board of
21 supervisors pursuant to subdivision (a) of Section 3451, except as
22 provided in Section 3057.5. Additionally, an officer employed by
23 the supervising county agency may seek a warrant and a court or
24 its designated hearing officer appointed pursuant to Section
25 71622.5 of the Government Code shall have the authority to issue
26 a warrant for that person's arrest.

27 (2) The court or its designated hearing officer shall have the
28 authority to issue a warrant for a person who is the subject of a
29 petition filed under this section who has failed to appear for a
30 hearing on the petition or for any reason in the interests of justice,
31 or to remand to custody a person who does appear at a hearing on
32 the petition for any reason in the interests of justice.

33 (3) Whenever a person who is subject to this section is arrested,
34 with or without a warrant or the filing of a petition for revocation,
35 the court may order the release of the person under supervision
36 from custody under any terms and conditions the court deems
37 appropriate.

38 (c) The revocation hearing shall be held within a reasonable
39 time after the filing of the revocation petition. Except as provided
40 in paragraph (3) of subdivision (b), based upon a showing of a

preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending their first court appearance.

(d) Except as provided in Section 3057.5, confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.

(e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when their supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 14. Section 4019 of the Penal Code, as amended by Section 3 of Chapter 685 of the Statutes of 2023, is repealed.

SEC. 15. Section 4019 of the Penal Code, as amended by Section 4 of Chapter 685 of the Statutes of 2023, is amended to read:

4019. (a) This section applies in all of the following cases:

(1) When a prisoner is confined in or committed to a county jail, industrial farm, or road camp or a city jail, industrial farm, or road camp, including all days of custody from the date of arrest to the date when the sentence commences, under a judgment of imprisonment or of a fine and imprisonment until the fine is paid in a criminal action or proceeding.

(2) When a prisoner is confined in or committed to a county jail, industrial farm, or road camp or a city jail, industrial farm, or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence in a criminal action or proceeding.

(3) When a prisoner is confined in or committed to a county jail, industrial farm, or road camp or a city jail, industrial farm, or road camp for a definite period of time for contempt pursuant to a proceeding other than a criminal action or proceeding.

(4) When a prisoner is confined in a county jail, industrial farm, or road camp or a city jail, industrial farm, or road camp following

1 arrest and prior to the imposition of sentence for a felony
2 conviction.

3 (5) When a prisoner is confined in a county jail, industrial farm,
4 or road camp or a city jail, industrial farm, or road camp as part
5 of custodial sanction imposed following a violation of postrelease
6 community supervision or parole.

7 (6) When a prisoner is confined in a county jail, industrial farm,
8 or road camp or a city jail, industrial farm, or road camp as a result
9 of a sentence imposed pursuant to subdivision (h) of Section 1170.

10 (7) When a prisoner participates in a program pursuant to
11 Section 1203.016 or Section 4024.2. Except for prisoners who
12 have already been deemed eligible to receive credits for
13 participation in a program pursuant to Section 1203.016 prior to
14 January 1, 2015, this paragraph shall apply prospectively.

15 (8) When a prisoner is confined in or committed to a state
16 hospital or other mental health treatment facility, or to a county
17 jail treatment facility.

18 (9) When a prisoner participates in a treatment program pursuant
19 to Section 1203.44.

20 (b) Subject to subdivision (d), for each four-day period in which
21 a prisoner is confined in or committed to a facility as specified in
22 this section, one day shall be deducted from the prisoner's period
23 of confinement unless it appears by the record that the prisoner
24 has refused to satisfactorily perform labor as assigned by the
25 sheriff, chief of police, or superintendent of an industrial farm or
26 road camp.

27 (c) For each four-day period in which a prisoner is confined in
28 or committed to a facility as specified in this section, one day shall
29 be deducted from the prisoner's period of confinement unless it
30 appears by the record that the prisoner has not satisfactorily
31 complied with the reasonable rules and regulations established by
32 the sheriff, chief of police, or superintendent of an industrial farm
33 or road camp.

34 (d) This section does not require the sheriff, chief of police, or
35 superintendent of an industrial farm or road camp to assign labor
36 to a prisoner if it appears from the record that the prisoner has
37 refused to satisfactorily perform labor as assigned or that the
38 prisoner has not satisfactorily complied with the reasonable rules
39 and regulations of the sheriff, chief of police, or superintendent of
40 an industrial farm or road camp.

1 (e) A deduction shall not be made under this section unless the
2 person is committed for a period of four days or longer.

3 (f) It is the intent of the Legislature that if all days are earned
4 under this section, a term of four days will be deemed to have been
5 served for every two days spent in actual custody.

6 (g) The changes in this section as enacted by the act that added
7 this subdivision shall apply to prisoners who are confined to a
8 county jail, city jail, industrial farm, or road camp for a crime
9 committed on or after the effective date of that act.

10 (h) The changes to this section enacted by the act that added
11 this subdivision shall apply prospectively and shall apply to
12 prisoners who are confined to a county jail, city jail, industrial
13 farm, or road camp for a crime committed on or after October 1,
14 2011. Any days earned by a prisoner prior to October 1, 2011,
15 shall be calculated at the rate required by the prior law.

16 SEC. 16. If the Commission on State Mandates determines
17 that this act contains costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.