

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1483**

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**Introduced by Assembly Member Haney**

February 21, 2025

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~~An act to amend Section 2600 of the Penal Code, relating to prisons and jails.~~ *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. ~~Prisons and jails: rights of inmates.~~ *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 to no more than 7 days for the 3rd revocation, 15 days for the 4th revocation, and 30 days for the 5th 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.

~~Under existing law, a person sentenced to imprisonment in a state prison may during that period of confinement be deprived of only those rights as is reasonably related to legitimate penological interests.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

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

1 (3) Criminal justice policies that rely on building and operating  
2 more prisons to address community safety concerns are not  
3 sustainable, and will not result in improved public safety.

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

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

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

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

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

38 ~~(A) Short-term flash incarceration in jail for a period of not~~  
39 ~~more than 10 days.~~

40 (B)

- 1 (A) Intensive community supervision.  
2 ~~(C)~~  
3 (B) Home detention with electronic monitoring or GPS  
4 monitoring.  
5 ~~(D)~~  
6 (C) Mandatory community service.  
7 ~~(E)~~  
8 (D) Restorative justice programs such as mandatory victim  
9 restitution and victim-offender reconciliation.  
10 ~~(F)~~  
11 (E) Work, training, or education in a furlough program pursuant  
12 to Section 1208.  
13 ~~(G)~~  
14 (F) Work, in lieu of confinement, in a work release program  
15 pursuant to Section 4024.2.  
16 ~~(H)~~  
17 (G) Day reporting.  
18 ~~(I)~~  
19 (H) Mandatory residential or nonresidential substance abuse  
20 treatment programs.  
21 ~~(J)~~  
22 (I) Mandatory random drug testing.  
23 ~~(K)~~  
24 (J) Mother-infant care programs.  
25 ~~(L)~~  
26 (K) Community-based residential programs offering structure,  
27 supervision, drug treatment, alcohol treatment, literacy  
28 programming, employment counseling, psychological counseling,  
29 mental health treatment, or any combination of these and other  
30 interventions.  
31 (9) “Evidence-based practices” refers to supervision policies,  
32 procedures, programs, and practices demonstrated by scientific  
33 research to reduce recidivism among individuals under probation,  
34 parole, or ~~post release~~ *postrelease* supervision.  
35 (b) The provisions of this act are not intended to alleviate state  
36 prison overcrowding.  
37 *SEC. 2. Section 1203 of the Penal Code is amended to read:*  
38 1203. (a) As used in this code, “probation” means the  
39 suspension of the imposition or execution of a sentence and the  
40 order of conditional and revocable release in the community under

1 the supervision of a probation officer. As used in this code,  
2 “conditional sentence” means the suspension of the imposition or  
3 execution of a sentence and the order of revocable release in the  
4 community subject to conditions established by the court without  
5 the supervision of a probation officer. It is the intent of the  
6 Legislature that both conditional sentence and probation are  
7 authorized whenever probation is authorized in any code as a  
8 sentencing option for infractions or misdemeanors.

9 (b) (1) Except as provided in subdivision (j), if a person is  
10 convicted of a felony and is eligible for probation, before judgment  
11 is pronounced, the court shall immediately refer the matter to a  
12 probation officer to investigate and report to the court, at a specified  
13 time, upon the circumstances surrounding the crime and the prior  
14 history and record of the person, which may be considered either  
15 in aggravation or mitigation of the punishment.

16 (2) (A) The probation officer shall immediately investigate and  
17 make a written report to the court containing findings and  
18 recommendations, including recommendations as to the granting  
19 or denying of probation and the conditions of probation, if granted.

20 (B) Pursuant to Section 828 of the Welfare and Institutions  
21 Code, the probation officer shall include in the report any  
22 information gathered by a law enforcement agency relating to the  
23 taking of the defendant into custody as a minor, which shall be  
24 considered for purposes of determining whether adjudications of  
25 commissions of crimes as a juvenile warrant a finding that there  
26 are circumstances in aggravation pursuant to Section 1170 or to  
27 deny probation.

28 (C) If the person was convicted of an offense that requires that  
29 person to register as a sex offender pursuant to Sections 290 to  
30 290.023, inclusive, or if the probation report recommends that  
31 registration be ordered at sentencing pursuant to Section 290.006,  
32 the probation officer’s report shall include the results of the  
33 State-Authorized Risk Assessment Tool for Sex Offenders  
34 (SARATSO) administered pursuant to Sections 290.04 to 290.06,  
35 inclusive, if applicable.

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

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

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

4 (E) The report shall be made available to the court and the  
5 prosecuting and defense attorneys at least five days, or upon request  
6 of the defendant or prosecuting attorney nine days, prior to the  
7 time fixed by the court for the hearing and determination of the  
8 report, and shall be filed with the clerk of the court as a record in  
9 the case at the time of the hearing. The time within which the report  
10 shall be made available and filed may be waived by written  
11 stipulation of the prosecuting and defense attorneys that is filed  
12 with the court or an oral stipulation in open court that is made and  
13 entered upon the minutes of the court.

14 (3) At a time fixed by the court, the court shall hear and  
15 determine the application, if one has been made, or, in any case,  
16 the suitability of probation in the particular case. At the hearing,  
17 the court shall consider any report of the probation officer,  
18 including the results of the SARATSO, if applicable, and shall  
19 make a statement that it has considered the report, which shall be  
20 filed with the clerk of the court as a record in the case. If the court  
21 determines that there are circumstances in mitigation of the  
22 punishment prescribed by law or that the ends of justice would be  
23 served by granting probation to the person, it may place the person  
24 on probation. If probation is denied, the clerk of the court shall  
25 immediately send a copy of the report to the Department of  
26 Corrections and Rehabilitation at the prison or other institution to  
27 which the person is delivered.

28 (4) The preparation of the report or the consideration of the  
29 report by the court may be waived only by a written stipulation of  
30 the prosecuting and defense attorneys that is filed with the court  
31 or an oral stipulation in open court that is made and entered upon  
32 the minutes of the court, except that a waiver shall not be allowed  
33 unless the court consents thereto. However, if the defendant is  
34 ultimately sentenced and committed to the state prison, a probation  
35 report shall be completed pursuant to Section 1203c.

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

39 (d) If a person is convicted of a misdemeanor, the court may  
40 either refer the matter to the probation officer for an investigation

1 and a report or summarily pronounce a conditional sentence. If  
2 the person was convicted of an offense that requires that person  
3 to register as a sex offender pursuant to Sections 290 to 290.023,  
4 inclusive, or if the probation officer recommends that the court,  
5 at sentencing, order the offender to register as a sex offender  
6 pursuant to Section 290.006, the court shall refer the matter to the  
7 probation officer for the purpose of obtaining a report on the results  
8 of the State-Authorized Risk Assessment Tool for Sex Offenders  
9 administered pursuant to Sections 290.04 to 290.06, inclusive, if  
10 applicable, which the court shall consider. If the case is not referred  
11 to the probation officer, in sentencing the person, the court may  
12 consider any information concerning the person that could have  
13 been included in a probation report. The court shall inform the  
14 person of the information to be considered and permit the person  
15 to answer or controvert the information. For this purpose, upon  
16 the request of the person, the court shall grant a continuance before  
17 the judgment is pronounced.

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

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

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

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

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

39 (5) Unless the person has never been previously convicted once  
40 in this state of a felony or in any other place of a public offense

1 which, if committed in this state, would have been punishable as  
2 a felony, any person who has been convicted of burglary with  
3 explosives, rape with force or violence, torture, aggravated  
4 mayhem, murder, attempt to commit murder, trainwrecking,  
5 extortion, kidnapping, escape from the state prison, a violation of  
6 Section 286, 287, 288, or 288.5, or of former Section 288a, or a  
7 conspiracy to commit one or more of those crimes.

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

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

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

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

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

26 (8) Any person who knowingly furnishes or gives away  
27 phencyclidine.

28 (9) Any person who intentionally inflicted great bodily injury  
29 in the commission of arson under subdivision (a) of Section 451  
30 or who intentionally set fire to, burned, or caused the burning of,  
31 an inhabited structure or inhabited property in violation of  
32 subdivision (b) of Section 451.

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

37 (11) Any person who possesses a short-barreled rifle or a  
38 short-barreled shotgun under Section 33215, a machinegun under  
39 Section 32625, or a silencer under Section 33410.



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

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

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

9 (g) If a person is not eligible for probation, the judge shall refer  
10 the matter to the probation officer for an investigation of the facts  
11 relevant to determination of the amount of a restitution fine  
12 pursuant to subdivision (b) of Section 1202.4 in all cases in which  
13 the determination is applicable. The judge, in their discretion, may  
14 direct the probation officer to investigate all facts relevant to the  
15 sentencing of the person. Upon that referral, the probation officer  
16 shall immediately investigate the circumstances surrounding the  
17 crime and the prior record and history of the person and make a  
18 written report to the court containing findings. The findings shall  
19 include a recommendation of the amount of the restitution fine as  
20 provided in subdivision (b) of Section 1202.4.

21 (h) If a defendant is convicted of a felony and a probation report  
22 is prepared pursuant to subdivision (b) or (g), the probation officer  
23 may obtain and include in the report a statement of the comments  
24 of the victim concerning the offense. The court may direct the  
25 probation officer not to obtain a statement if the victim has in fact  
26 testified at any of the court proceedings concerning the offense.

27 (i) A probationer shall not be released to enter another state  
28 unless the case has been referred to the Administrator of the  
29 Interstate Probation and Parole Compacts, pursuant to the Uniform  
30 Act for Out-of-State Probationer or Parolee Supervision (Article  
31 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part  
32 4).

33 (j) In any court in which a county financial evaluation officer  
34 is available, in addition to referring the matter to the probation  
35 officer, the court may order the defendant to appear before the  
36 county financial evaluation officer for a financial evaluation of  
37 the defendant's ability to pay restitution, in which case the county  
38 financial evaluation officer shall report the findings regarding  
39 restitution and other court-related costs to the probation officer on  
40 the question of the defendant's ability to pay those costs.

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

6 (k) Probation shall not be granted to, nor shall the execution of,  
7 or imposition of sentence be suspended for, any person who is  
8 convicted of a violent felony, as defined in subdivision (c) of  
9 Section 667.5, or a serious felony, as defined in subdivision (c) of  
10 Section 1192.7, and who was on probation for a felony offense at  
11 the time of the commission of the new felony offense.

12 ~~(l) For any person granted probation prior to January 1, 2028,~~  
13 ~~at the time the court imposes probation, the court may take a waiver~~  
14 ~~from the defendant permitting flash incarceration by the probation~~  
15 ~~officer, pursuant to Section 1203.35.~~

16 (m)

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

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

21 1203.2. (a) At any time during the period of supervision of a  
22 person (1) released on probation under the care of a probation  
23 officer pursuant to this chapter, (2) released on conditional sentence  
24 or summary probation not under the care of a probation officer,  
25 (3) placed on mandatory supervision pursuant to subparagraph (B)  
26 of paragraph (5) of subdivision (h) of Section 1170, (4) subject to  
27 revocation of postrelease community supervision pursuant to  
28 Section 3455, or (5) subject to revocation of parole supervision  
29 pursuant to Section 3000.08, if any probation officer, parole officer,  
30 or peace officer has probable cause to believe that the supervised  
31 person is violating any term or condition of the person's  
32 supervision, the officer may, without warrant or other process and  
33 at any time until the final disposition of the case, rearrest the  
34 supervised person and bring them before the ~~court~~ court, *except*  
35 *as provided in Section 3057.5*, or the court may, in its discretion,  
36 issue a warrant for their rearrest. ~~Unless the person on probation~~  
37 ~~is otherwise serving rearrest, except as provided in Section 3057.5.~~  
38 ~~Whenever a period of flash incarceration, whenever a person on~~  
39 ~~probation who is subject to this section is arrested, with or without~~  
40 ~~a warrant or the filing of a petition for revocation as described in~~

1 subdivision (b), the court shall consider the release of a person on  
2 probation from custody in accordance with Section 1203.25.  
3 Notwithstanding Section 3056, ~~and unless the supervised person~~  
4 ~~is otherwise serving a period of flash incarceration~~, whenever any  
5 supervised person who is subject to this section and who is not on  
6 probation is arrested, with or without a warrant or the filing of a  
7 petition for revocation as described in subdivision (b), the court  
8 may order the release of the supervised person from custody under  
9 any terms and conditions the court deems appropriate. Upon  
10 rearrest, or upon the issuance of a warrant for rearrest, the court  
11 may revoke and terminate the supervision of the person if the  
12 interests of justice so require and the court, in its judgment, has  
13 reason to believe from the report of the probation or parole officer  
14 or otherwise that the person has violated any of the conditions of  
15 their supervision, or has subsequently committed other offenses,  
16 regardless of whether the person has been prosecuted for those  
17 offenses. However, the court shall not terminate parole pursuant  
18 to this section. Supervision shall not be revoked solely for failure  
19 of a person to make restitution, or to pay fines, fees, or assessments,  
20 imposed as a condition of supervision unless the court determines  
21 that the defendant has willfully failed to pay and has the ability to  
22 pay. Restitution shall be consistent with a person's ability to pay.  
23 The revocation, summary or otherwise, shall serve to toll the  
24 running of the period of supervision.

25 (b) (1) Upon its own motion or upon the petition of the  
26 supervised person, the probation or parole officer, or the district  
27 attorney, the court may modify, revoke, or terminate supervision  
28 of the person pursuant to this subdivision, except that the court  
29 shall not terminate parole pursuant to this section. The court in the  
30 county in which the person is supervised has jurisdiction to hear  
31 the motion or petition, or for those on parole, either the court in  
32 the county of supervision or the court in the county in which the  
33 alleged violation of supervision occurred. A person supervised on  
34 parole or postrelease community supervision pursuant to Section  
35 3455 may not petition the court pursuant to this section for early  
36 release from supervision, and a petition under this section shall  
37 not be filed solely for the purpose of modifying parole. This section  
38 does not prohibit the court in the county in which the person is  
39 supervised or in which the alleged violation of supervision occurred  
40 from modifying a person's parole when acting on the court's own

1 motion or a petition to revoke parole. The court shall give notice  
2 of its motion, and the probation or parole officer or the district  
3 attorney shall give notice of their petition to the supervised person,  
4 the supervised person's attorney of record, and the district attorney  
5 or the probation or parole officer, as the case may be. The  
6 supervised person shall give notice of their petition to the probation  
7 or parole officer and notice of any motion or petition shall be given  
8 to the district attorney in all cases. The court shall refer its motion  
9 or the petition to the probation or parole officer. After the receipt  
10 of a written report from the probation or parole officer, the court  
11 shall read and consider the report and either its motion or the  
12 petition and may modify, revoke, or terminate the supervision of  
13 the supervised person upon the grounds set forth in subdivision  
14 (a) if the interests of justice so require.

15 (2) The notice required by this subdivision may be given to the  
16 supervised person upon their first court appearance in the  
17 proceeding. Upon the agreement by the supervised person in  
18 writing to the specific terms of a modification or termination of a  
19 specific term of supervision, any requirement that the supervised  
20 person make a personal appearance in court for the purpose of a  
21 modification or termination shall be waived. Prior to the  
22 modification or termination and waiver of appearance, the  
23 supervised person shall be informed of their right to consult with  
24 counsel, and if indigent the right to secure court-appointed counsel.  
25 If the supervised person waives their right to counsel a written  
26 waiver shall be required. If the supervised person consults with  
27 counsel and thereafter agrees to a modification, revocation, or  
28 termination of the term of supervision and waiver of personal  
29 appearance, the agreement shall be signed by counsel showing  
30 approval for the modification or termination and waiver.

31 (c) Upon any revocation and termination of probation the court  
32 may, if the sentence has been suspended, pronounce judgment for  
33 any time within the longest period for which the person might have  
34 been sentenced. However, if the judgment has been pronounced  
35 and the execution thereof has been suspended, the court may revoke  
36 the suspension and order that the judgment shall be in full force  
37 and effect. In either case, the person shall be delivered over to the  
38 proper officer to serve their sentence, less any credits herein  
39 provided for.

1 (d) In any case of revocation and termination of probation,  
2 including, but not limited to, cases in which the judgment has been  
3 pronounced and the execution thereof has been suspended, upon  
4 the revocation and termination, the court may, in lieu of any other  
5 sentence, commit the person to the Department of Corrections and  
6 Rehabilitation, Division of Juvenile Facilities if the person is  
7 otherwise eligible for that commitment.

8 (e) If probation has been revoked before the judgment has been  
9 pronounced, the order revoking probation may be set aside for  
10 good cause upon motion made before pronouncement of judgment.  
11 If probation has been revoked after the judgment has been  
12 pronounced, the judgment and the order which revoked the  
13 probation may be set aside for good cause within 30 days after the  
14 court has notice that the execution of the sentence has commenced.  
15 If an order setting aside the judgment, the revocation of probation,  
16 or both is made after the expiration of the probationary period, the  
17 court may again place the person on probation for that period and  
18 with those terms and conditions as it could have done immediately  
19 following conviction.

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

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

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

27 (3) "Supervised person" means a person who satisfies any of  
28 the following:

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

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

33 (C) The person is subject to mandatory supervision pursuant to  
34 subparagraph (B) of paragraph (5) of subdivision (h) of Section  
35 1170.

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

38 (E) The person is subject to revocation of parole pursuant to  
39 Section 3000.08.

(g) This section does not affect the authority of the supervising agency to impose intermediate ~~sanctions, including flash incarceration~~; *sanctions* to persons supervised on parole pursuant to Section 3000.8 or postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3.

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

~~1203.35. (a) (1) In any case in which the court grants probation or imposes a sentence that includes mandatory supervision, the county probation department is authorized to use flash incarceration for any violation of the conditions of probation or mandatory supervision if, at the time of granting probation or ordering mandatory supervision, the court obtains from the defendant a waiver to a court hearing prior to the imposition of a period of flash incarceration. Probation shall not be denied for refusal to sign the waiver.~~

~~(2) Each county probation department shall develop a response matrix that establishes protocols for the imposition of graduated sanctions for violations of the conditions of probation to determine appropriate interventions to include the use of flash incarceration.~~

~~(3) A supervisor shall approve the term of flash incarceration prior to the imposition of flash incarceration.~~

~~(4) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.~~

~~(5) If the person on probation or mandatory supervision does not agree to accept a recommended period of flash incarceration, upon a determination that there has been a violation, the probation officer is authorized to address the alleged violation by filing a declaration or revocation request with the court.~~

~~(b) For purposes of this section, "flash incarceration" is a period of detention in a county jail due to a violation of an offender's conditions of probation or mandatory supervision. The length of the detention period may range between 1 and 10 consecutive days. Shorter, but if necessary more frequent, periods of detention for violations of an offender's conditions of probation or mandatory supervision shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer periods of detention. In cases in which there are multiple violations in a single incident, only one flash incarceration~~

1 booking is authorized and may range between 1 and 10 consecutive  
2 days.

3 ~~(e) This section shall not apply to any defendant sentenced~~  
4 ~~pursuant to Section 1210.1.~~

5 ~~(d) This section shall remain in effect only until January 1, 2028,~~  
6 ~~and as of that date is repealed, unless a later enacted statute, that~~  
7 ~~is enacted before January 1, 2028, deletes or extends that date.~~

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

9 1231. (a) Community corrections programs funded pursuant  
10 to this chapter shall identify and track specific outcome-based  
11 measures consistent with the goals of this act.

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

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

18 (2) The percentage of state moneys expended for programs that  
19 are evidence based, and a descriptive list of all programs that are  
20 evidence based.

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

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

25 (c) Each CPO receiving funding pursuant to Sections 1233 to  
26 1233.6, inclusive, shall provide an annual written report to the  
27 Judicial Council, evaluating the effectiveness of the community  
28 corrections program, including, but not limited to, the data  
29 described in subdivision (b).

30 (d) The Judicial Council, shall, in consultation with the CPO of  
31 each county and the Department of Corrections and Rehabilitation,  
32 provide a quarterly statistical report to the Department of Finance  
33 including, but not limited to, the following statistical information  
34 for each county:

35 (1) The number of felony filings.

36 (2) The number of felony convictions.

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

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

1 (5) The adult felon probation population.

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

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

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

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

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

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

17 (12) The mandatory supervision population, commencing  
18 January 1, 2012.

19 (13) The postrelease community supervision population,  
20 commencing January 1, 2012.

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

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

27 (16) The number of felons who had their postrelease community  
28 supervision revoked and were sent to county jail for that revocation,  
29 commencing January 1, 2012. ~~This number shall not include felons~~  
30 ~~on postrelease community supervision who are subject to flash~~  
31 ~~incarceration pursuant to Section 3453.~~

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

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

39 (19) The number of felons on mandatory supervision sentenced  
40 to county jail for a conviction of a new felony offense, including



1 when mandatory supervision was revoked or terminated,  
2 commencing January 1, 2012.

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

4 3000.08. (a) A person released from state prison prior to or  
5 on or after July 1, 2013, after serving a prison term, or whose  
6 sentence has been deemed served pursuant to Section 2900.5, for  
7 any of the following crimes is subject to parole supervision by the  
8 Department of Corrections and Rehabilitation and the jurisdiction  
9 of the court in the county in which the parolee is released, resides,  
10 or in which an alleged violation of supervision has occurred, for  
11 the purpose of hearing petitions to revoke parole and impose a  
12 term of custody:

13 (1) A serious felony as described in subdivision (c) of Section  
14 1192.7.

15 (2) A violent felony as described in subdivision (c) of Section  
16 667.5.

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

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

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

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

28 (c) At any time during the period of parole of a person subject  
29 to this section, if any parole agent or peace officer has probable  
30 cause to believe that the parolee is violating any term or condition  
31 of ~~his or her~~ *their* parole, the agent or officer may, without warrant  
32 or other process and at any time until the final disposition of the  
33 case, arrest the person and bring ~~him or her~~ *them* before the court,  
34 *except as provided in Section 3057.5*, or the court may, in its  
35 discretion, issue a warrant for that person's arrest pursuant to  
36 ~~Section 1203.2. Notwithstanding Section 3056, and unless the~~  
37 ~~parolee is otherwise serving a period of flash incarceration, 1203.2,~~  
38 *except as provided in Section 3057.5. Notwithstanding Section*  
39 *3056*, whenever a supervised person who is subject to this section  
40 is arrested, with or without a warrant or the filing of a petition for

1 revocation as described in subdivision (f), the court may order the  
2 release of the parolee from custody under any terms and conditions  
3 the court deems appropriate.

4 (d) Upon review of the alleged violation and a finding of good  
5 cause that the parolee has committed a violation of law or violated  
6 ~~his or her~~ *their* conditions of parole, the supervising parole agency  
7 may impose additional and appropriate conditions of supervision,  
8 including rehabilitation and treatment services and appropriate  
9 incentives for compliance, and impose immediate, structured, and  
10 intermediate sanctions for parole violations, ~~including flash~~  
11 ~~incarceration in a city or a county jail. Periods of “flash~~  
12 ~~incarceration,” as defined in subdivision (e) are encouraged as one~~  
13 ~~method of punishment for violations of a parolee’s conditions of~~  
14 ~~parole.~~ *violations.* This section does not preclude referrals to a  
15 reentry court pursuant to Section 3015.

16 (e) ~~“Flash incarceration” is a period of detention in a city or a~~  
17 ~~county jail due to a violation of a parolee’s conditions of parole.~~  
18 ~~The length of the detention period can range between one and 10~~  
19 ~~consecutive days. Shorter, but if necessary more frequent, periods~~  
20 ~~of detention for violations of a parolee’s conditions of parole shall~~  
21 ~~appropriately punish a parolee while preventing the disruption in~~  
22 ~~a work or home establishment that typically arises from longer~~  
23 ~~periods of detention.~~

24 (f)

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

1 procedures to implement this subdivision, including the minimum  
2 contents of supervision agency reports. Upon a finding that the  
3 person has violated the conditions of parole, the court shall have  
4 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~~ jail, *except as provided in Section 3057.5.*

8 (2) Revoke parole and order the person to confinement in a  
9 county ~~jail~~ 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 ~~(g)~~

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

16 ~~(h)~~

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

25 ~~(i)~~

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

32 (1) The person is required to register as a sex offender pursuant  
33 to Chapter 5.5 (commencing with Section 290) of Title 9 of Part  
34 1, and was subject to a period of parole exceeding three years at  
35 the time ~~he or she~~ *they* committed a felony for which they were  
36 convicted and subsequently sentenced to state prison.

37 (2) The person was subject to parole for life pursuant to Section  
38 3000.1 at the time of the commission of the offense that resulted  
39 in a conviction and state prison sentence.

40 ~~(j)~~

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

~~(k)~~

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

~~(l)~~

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

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

3056. (a) Prisoners on parole shall remain under the supervision of the department but shall not be returned to prison except as provided in subdivision (b) or as provided by subdivision (c) of Section 3000.09. A parolee awaiting a parole revocation hearing may be housed in a county jail while awaiting revocation ~~proceedings.~~ *proceedings, except as provided in Section 3057.5.* If a parolee is housed in a county jail, they shall be housed in the county in which they were arrested or the county in which a petition to revoke parole has been filed or, if there is no county jail in that county, in the housing facility with which that county has contracted to house jail inmates. Additionally, except as provided by subdivision (c) of Section 3000.09, upon revocation of parole, a parolee may be housed in a county jail for a maximum of 180 ~~days per revocation.~~ *jail, subject to the limitations in Section 3057.5.* When housed in county facilities, parolees shall be under the sole legal custody and jurisdiction of local county facilities. A parolee shall remain under the sole legal custody and jurisdiction of the local county or local correctional administrator, even if placed in an alternative custody program in lieu of incarceration, including, but not limited to, work furlough and electronic home detention. When a parolee is under the legal custody and jurisdiction of a county facility awaiting parole revocation

1 proceedings or upon revocation, the parolee shall not be under the  
2 parole supervision or jurisdiction of the department. ~~Unless~~  
3 ~~otherwise serving a period of flash incarceration, whenever a~~  
4 *Whenever* a parolee who is subject to this section has been arrested,  
5 with or without a warrant or the filing of a petition for revocation  
6 with the court, the court may order the release of the parolee from  
7 custody under any terms and conditions the court deems  
8 appropriate. When released from the county facility or county  
9 alternative custody program following a period of custody for  
10 revocation of parole or because no violation of parole is found,  
11 the parolee shall be returned to the parole supervision of the  
12 department for the duration of parole.

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

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

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

22 3057. (a) Confinement pursuant to a revocation of parole in  
23 the absence of a new conviction and commitment to prison under  
24 other provisions of law, shall not exceed 12 months, except as  
25 provided in subdivision ~~(e)~~ (c) and Section 3057.5.

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

31 (c) Notwithstanding the limitations in subdivision (a) and in  
32 Section 3060.5 upon confinement pursuant to a parole revocation,  
33 the parole authority may extend the confinement pursuant to parole  
34 revocation for a maximum of an additional 12 months for  
35 subsequent acts of misconduct committed by the parolee while  
36 confined pursuant to that parole ~~revocation~~. *revocation, except as*  
37 *provided in Section 3057.5.* Upon a finding of good cause to  
38 believe that a parolee has committed a subsequent act of  
39 misconduct and utilizing procedures governing parole revocation  
40 proceedings, the parole authority may extend the period of

1 confinement pursuant to parole revocation as follows: (1) not more  
2 than 180 days for an act punishable as a felony, whether or not  
3 prosecution is undertaken, (2) not more than 90 days for an act  
4 punishable as a misdemeanor, whether or not prosecution is  
5 undertaken, and (3) not more than 30 days for an act defined as a  
6 serious disciplinary offense pursuant to subdivision (a) of Section  
7 ~~2932~~. 2932, *except as provided in Section 3057.5*.

8 (d) (1) Except for parolees specified in paragraph (2), any  
9 revocation period imposed under subdivision (a) may be reduced  
10 in the same manner and to the same extent as a term of  
11 imprisonment may be reduced by worktime credits under Section  
12 2933. Worktime credit shall be earned and may be forfeited  
13 pursuant to the provisions of Section 2932.

14 Worktime credit forfeited shall not be restored.

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

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

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

22 (C) Parolees who were revoked for conduct described in, or that  
23 could be prosecuted under any of the following sections, whether  
24 or not prosecution is undertaken: Section 189, Section 191.5,  
25 subdivision (a) of Section 192, subdivision (a) of Section 192.5,  
26 Section 203, 207, 211, 215, 217.1, or 220, subdivision (b) of  
27 Section 241, Section 244, paragraph (1) or (2) of subdivision (a)  
28 of Section 245, paragraph (2) or (6) of subdivision (a) of Section  
29 261, paragraph (1) or (4) of subdivision (a) of former Section 262,  
30 Section 264.1, subdivision (c) or (d) of Section 286, subdivision  
31 (c) or (d) of Section 287 or of former Section 288a, Section 288,  
32 subdivision (a) of Section 289, 347, or 404, subdivision (a) of  
33 Section 451, Section 12022, 12022.5, 12022.53, 12022.7, 12022.8,  
34 or 25400, Chapter 2 (commencing with Section 29800) of Division  
35 9 of Title 4 of Part 6, any provision listed in Section 16590, or  
36 Section 664 for any attempt to engage in conduct described in or  
37 that could be prosecuted under any of the above-mentioned  
38 sections.

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

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

8 (e) Commencing October 1, 2011, this section shall only apply  
9 to inmates sentenced to a term of life imprisonment or parolees  
10 that on or before September 30, 2011, are pending a final  
11 adjudication of a parole revocation charge and subject to  
12 subdivision (c) of Section 3000.09.

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

14 *3057.5. (a) The Legislature finds and declares that*  
15 *incarcerating people for technical violations undermines*  
16 *rehabilitation and public safety and should only be employed where*  
17 *no less restrictive means are available.*

18 *(b) A person shall not be detained, arrested, or incarcerated*  
19 *for a technical violation of supervision, unless the person on*  
20 *supervision has had their supervision revoked by a judge after a*  
21 *revocation petition has been filed.*

22 *(c) If a person is accused of a technical violation of supervision,*  
23 *the person's supervision agent shall provide the person with a*  
24 *written summary and explanation of the facts related to the*  
25 *technical violations alleged against them.*

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

37 *(2) If a person commits a technical violation of supervision and*  
38 *a hearing is to occur for that violation, supervision agents may*  
39 *issue a summons for the person on supervision to appear in court*  
40 *for the hearing.*

1     (e) A person who absconds while on supervision or fails to  
2     appear at a hearing relating to their technical violation may be  
3     arrested and detained. In such circumstances, the person must  
4     have a recognizance hearing within 48 hours of being arrested.

5     (f) Confinement pursuant to a revocation of supervision for a  
6     technical violation is not permitted for the first or second  
7     revocation, and it is limited to a maximum of 7 days for the third  
8     revocation, 15 days for the fourth revocation, and 30 days for the  
9     fifth revocation and any thereafter. For purposes of this section,  
10    multiple technical violations stemming from the same continuous  
11    course of conduct shall not constitute separate 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) If a court imposes a sentence of confinement following a  
20    revocation, the basis of which is for one or more technical  
21    violations, the court shall consider the employment status of the  
22    defendant. There is a presumption that courts shall allow the term  
23    of confinement for a technical violation to be served on weekends  
24    or other nonwork days for people on supervision who are  
25    employed, unless there is a preponderance of evidence that  
26    incarceration on days of employment is necessary to protect public  
27    safety.

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

33    (j) For the purposes of this section, the following terms have  
34    the following meanings:

35    (1) "Supervision" means probation supervision, informal  
36    probation, mandatory supervision, postrelease community  
37    supervision, or parole supervision, or any other kind of supervision.  
38    "Supervision" does not include incarceration in a county jail or  
39    state prison.



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

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

5     3450. (a) This act shall be known and may be cited as the  
6 Postrelease Community Supervision Act of 2011.

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

8     (1) The Legislature reaffirms its commitment to reducing  
9 recidivism among criminal offenders.

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

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

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

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

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

39    (7) Fiscal policy and correctional practices should align to  
40 promote a justice reinvestment strategy that fits each county.

1 “Justice reinvestment” is a data-driven approach to reduce  
2 corrections and related criminal justice spending and reinvest  
3 savings in strategies designed to increase public safety. The purpose  
4 of justice reinvestment is to manage and allocate criminal justice  
5 populations more cost effectively, generating savings that can be  
6 reinvested in evidence-based strategies that increase public safety  
7 while holding offenders accountable.

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

15 ~~(A) Short-term “flash” incarceration in jail for a period of not~~  
16 ~~more than 10 days.~~

17 ~~(B)~~

18 (A) Intensive community supervision.

19 ~~(C)~~

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

22 ~~(D)~~

23 (C) Mandatory community service.

24 ~~(E)~~

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

27 ~~(F)~~

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

30 ~~(G)~~

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

33 ~~(H)~~

34 (G) Day reporting.

35 ~~(I)~~

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

38 ~~(J)~~

39 (I) Mandatory random drug testing.

40 ~~(K)~~

1 (J) Mother-infant care programs.

2 ~~(L)~~

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

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

12 *SEC. 11. Section 3453 of the Penal Code is amended to read:*

13 3453. Postrelease community supervision shall include the  
14 following conditions:

15 (a) The person shall be informed of the conditions of release.

16 (b) The person shall obey all laws.

17 (c) The person shall report to the supervising county agency  
18 within two working days of release from custody.

19 (d) The person shall follow the directives and instructions of  
20 the supervising county agency.

21 (e) The person shall report to the supervising county agency as  
22 directed by that agency.

23 (f) The person, and their residence and possessions, shall be  
24 subject to search at any time of the day or night, with or without  
25 a warrant, by an agent of the supervising county agency or by a  
26 peace officer.

27 (g) The person shall waive extradition if found outside the state.

28 (h) (1) The person shall inform the supervising county agency  
29 of the person’s place of residence and shall notify the supervising  
30 county agency of any change in residence, or the establishment of  
31 a new residence if the person was previously transient, within five  
32 working days of the change.

33 (2) For purposes of this section, “residence” means one or more  
34 locations at which a person regularly resides, regardless of the  
35 number of days or nights spent there, such as a shelter or structure  
36 that can be located by a street address, including, but not limited  
37 to, a house, apartment building, motel, hotel, homeless shelter,  
38 and recreational or other vehicle. If the person has no residence,  
39 they shall inform the supervising county agency that they are  
40 transient.

1 (i) (1) The person shall inform the supervising county agency  
2 of the person's place of employment, education, or training. The  
3 person shall inform the supervising agency of any pending or  
4 anticipated change in employment, education, or training.

5 (2) If the person enters into new employment, they shall inform  
6 the supervising county agency of the new employment within three  
7 business days of that entry.

8 (j) The person shall immediately inform the supervising county  
9 agency if they are arrested or receive a citation.

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

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

16 (m) The person shall not be in the presence of a firearm or  
17 ammunition, or any item that appears to be a firearm or  
18 ammunition.

19 (n) The person shall not possess, use, or have access to any  
20 weapon listed in Section 16140, subdivision (c) of Section 16170,  
21 Section 16220, 16260, 16320, 16330, or 16340, subdivision (b)  
22 of Section 16460, Section 16470, subdivision (f) of Section 16520,  
23 or Section 16570, 16740, 16760, 16830, 16920, 16930, 16940,  
24 17090, 17125, 17160, 17170, 17180, 17190, 17200, 17270, 17280,  
25 17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720, 17725,  
26 17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200, 20310,  
27 20410, 20510, 20610, 20611, 20710, 20910, 21110, 21310, 21810,  
28 22210, 22215, 22410, 24310, 24410, 24510, 24610, 24680, 24710,  
29 30210, 30215, 31500, 32310, 32400, 32405, 32410, 32415, 32420,  
30 32425, 32430, 32435, 32440, 32445, 32450, 32900, 33215, 33220,  
31 33225, or 33600.

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

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

38 (p) The person may use a knife with a blade longer than two  
39 inches, if the use is required for that person's employment, the use  
40 has been approved in a document issued by the supervising county

1 agency, and the person possesses the document of approval at all  
2 times and makes it available for inspection.

3 ~~(q) The person shall waive any right to a court hearing prior to~~  
4 ~~the imposition of a period of “flash incarceration” in a city or~~  
5 ~~county jail of not more than 10 consecutive days for any violation~~  
6 ~~of their postrelease supervision conditions.~~

7 ~~(r)~~

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

10 ~~(s)~~

11 (r) The person shall be subject to arrest with or without a warrant  
12 by a peace officer employed by the supervising county agency or,  
13 at the direction of the supervising county agency, by any peace  
14 officer when there is probable cause to believe the person has  
15 violated the terms and conditions of ~~release~~. *release, except as*  
16 *provided in Section 3057.5.*

17 ~~(t)~~

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

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

21 3454. (a) Each supervising county agency, as established by  
22 the county board of supervisors pursuant to subdivision (a) of  
23 Section 3451, shall establish a review process for assessing and  
24 refining a person’s program of postrelease supervision. Any  
25 additional postrelease supervision conditions shall be reasonably  
26 related to the underlying offense for which the offender spent time  
27 in prison, or to the offender’s risk of recidivism, and the offender’s  
28 criminal history, and be otherwise consistent with law.

29 (b) Each county agency responsible for postrelease supervision,  
30 as established by the county board of supervisors pursuant to  
31 subdivision (a) of Section 3451, may determine additional  
32 appropriate conditions of supervision listed in Section 3453  
33 consistent with public safety, including the use of continuous  
34 electronic monitoring as defined in Section 1210.7, order the  
35 provision of appropriate rehabilitation and treatment services,  
36 determine appropriate incentives, and determine and order  
37 appropriate responses to alleged violations, which can include, but  
38 shall not be limited to, immediate, structured, and intermediate  
39 sanctions up to and including referral to a reentry court pursuant  
40 to Section 3015, ~~or flash incarceration in a city or county jail.~~

1 Periods of flash incarceration are encouraged as one method of  
2 punishment for violations of an offender's condition of postrelease  
3 supervision. 3015.

4 (e) As used in this title, "flash incarceration" is a period of  
5 detention in a city or county jail due to a violation of an offender's  
6 conditions of postrelease supervision. The length of the detention  
7 period can range between one and 10 consecutive days. Flash  
8 incarceration is a tool that may be used by each county agency  
9 responsible for postrelease supervision. Shorter, but if necessary  
10 more frequent, periods of detention for violations of an offender's  
11 postrelease supervision conditions shall appropriately punish an  
12 offender while preventing the disruption in a work or home  
13 establishment that typically arises from longer term revocations.

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

15 3455. (a) If the supervising county agency has determined,  
16 following application of its assessment processes, that intermediate  
17 sanctions as authorized in subdivision (b) of Section 3454 are not  
18 appropriate, the supervising county agency shall petition the court  
19 pursuant to Section 1203.2 to revoke, modify, or terminate  
20 postrelease community supervision. At any point during the process  
21 initiated pursuant to this section, a person may waive, in writing,  
22 ~~his or her~~ *their* right to counsel, admit the violation of ~~his or her~~  
23 *their* postrelease community supervision, waive a court hearing,  
24 and accept the proposed modification of ~~his or her~~ *their* postrelease  
25 community supervision. The petition shall include a written report  
26 that contains additional information regarding the petition,  
27 including the relevant terms and conditions of postrelease  
28 community supervision, the circumstances of the alleged  
29 underlying violation, the history and background of the violator,  
30 and any recommendations. The Judicial Council shall adopt forms  
31 and rules of court to establish uniform statewide procedures to  
32 implement this subdivision, including the minimum contents of  
33 supervision agency reports. Upon a finding that the person has  
34 violated the conditions of postrelease community supervision, the  
35 revocation hearing officer shall have authority to do all of the  
36 following:

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

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

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

5 (b) (1) At any time during the period of postrelease community  
6 supervision, if a peace officer has probable cause to believe a  
7 person subject to postrelease community supervision is violating  
8 any term or condition of ~~his or her~~ *their* release, the officer may,  
9 without a warrant or other process, arrest the person and bring ~~him~~  
10 ~~or her~~ *them* before the supervising county agency established by  
11 the county board of supervisors pursuant to subdivision (a) of  
12 ~~Section 3451. 3451, except as provided in Section 3057.5.~~  
13 Additionally, an officer employed by the supervising county agency  
14 may seek a warrant and a court or its designated hearing officer  
15 appointed pursuant to Section 71622.5 of the Government Code  
16 shall have the authority to issue a warrant for that person's arrest.

17 (2) The court or its designated hearing officer shall have the  
18 authority to issue a warrant for a person who is the subject of a  
19 petition filed under this section who has failed to appear for a  
20 hearing on the petition or for any reason in the interests of justice,  
21 or to remand to custody a person who does appear at a hearing on  
22 the petition for any reason in the interests of justice.

23 (3) ~~Unless Whenever a person subject to postrelease community~~  
24 ~~supervision is otherwise serving a period of flash incarceration,~~  
25 ~~whenever a person~~ who is subject to this section is arrested, with  
26 or without a warrant or the filing of a petition for revocation, the  
27 court may order the release of the person under supervision from  
28 custody under any terms and conditions the court deems  
29 appropriate.

30 (c) The revocation hearing shall be held within a reasonable  
31 time after the filing of the revocation petition. Except as provided  
32 in paragraph (3) of subdivision (b), based upon a showing of a  
33 preponderance of the evidence that a person under supervision  
34 poses an unreasonable risk to public safety, or that the person may  
35 not appear if released from custody, or for any reason in the  
36 interests of justice, the supervising county agency shall have the  
37 authority to make a determination whether the person should  
38 remain in custody pending the first court appearance on a petition  
39 to revoke postrelease community supervision, and upon that

determination, may order the person confined pending ~~his or her~~  
*their* first court appearance.

(d) ~~Confinement~~—*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 ~~his or her~~ *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.*

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

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

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



1     ~~(7) When a prisoner participates in a program pursuant to~~  
2     ~~Section 1203.016 or Section 4024.2. Except for prisoners who~~  
3     ~~have already been deemed eligible to receive credits for~~  
4     ~~participation in a program pursuant to Section 1203.016 prior to~~  
5     ~~January 1, 2015, this paragraph shall apply prospectively.~~

6     ~~(8) When a prisoner is confined in or committed to a state~~  
7     ~~hospital or other mental health treatment facility, or to a county~~  
8     ~~jail treatment facility in proceedings pursuant to Chapter 6~~  
9     ~~(commencing with Section 1367) of Title 10 of Part 2.~~

10    ~~(9) When a prisoner participates in a treatment program pursuant~~  
11    ~~to Section 1203.44.~~

12    ~~(b) Subject to subdivision (d), for each four-day period in which~~  
13    ~~a prisoner is confined in or committed to a facility as specified in~~  
14    ~~this section, one day shall be deducted from the prisoner's period~~  
15    ~~of confinement unless it appears by the record that the prisoner~~  
16    ~~has refused to satisfactorily perform labor as assigned by the~~  
17    ~~sheriff, chief of police, or superintendent of an industrial farm or~~  
18    ~~road camp.~~

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

26    ~~(d) This section does not require the sheriff, chief of police, or~~  
27    ~~superintendent of an industrial farm or road camp to assign labor~~  
28    ~~to a prisoner if it appears from the record that the prisoner has~~  
29    ~~refused to satisfactorily perform labor as assigned or that the~~  
30    ~~prisoner has not satisfactorily complied with the reasonable rules~~  
31    ~~and regulations of the sheriff, chief of police, or superintendent of~~  
32    ~~an industrial farm or road camp.~~

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

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

38    ~~(g) The changes in this section as enacted by the act that added~~  
39    ~~this subdivision shall apply to prisoners who are confined to a~~

1 county jail, city jail, industrial farm, or road camp for a crime  
2 committed on or after the effective date of that act.

3 (h) ~~The changes to this section enacted by the act that added~~  
4 ~~this subdivision shall apply prospectively and shall apply to~~  
5 ~~prisoners who are confined to a county jail, city jail, industrial~~  
6 ~~farm, or road camp for a crime committed on or after October 1,~~  
7 ~~2011. Any days earned by a prisoner prior to October 1, 2011,~~  
8 ~~shall be calculated at the rate required by the prior law.~~

9 (i) (1) ~~This section shall not apply, and no credits may be~~  
10 ~~earned, for periods of flash incarceration imposed pursuant to~~  
11 ~~Section 3000.08 or 3454.~~

12 (2) ~~Credits earned pursuant to this section for a period of flash~~  
13 ~~incarceration pursuant to Section 1203.35 shall, if the person's~~  
14 ~~probation or mandatory supervision is revoked, count towards the~~  
15 ~~term to be served.~~

16 (j) ~~This section shall remain in effect only until January 1, 2028,~~  
17 ~~and as of that date is repealed, unless a later enacted statute, that~~  
18 ~~is enacted before January 1, 2028, deletes or extends that date.~~

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

22 4019. (a) This section applies in all of the following cases:

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

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

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

38 (4) When a prisoner is confined in a county jail, industrial farm,  
39 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 ~~(i) This section shall not apply, and no credits may be earned,  
17 for periods of flash incarceration imposed pursuant to Section  
18 3000.08 or 3454.~~

19 ~~(j) This section shall become operative on January 1, 2028.~~

20 *SEC. 16. If the Commission on State Mandates determines that*  
21 *this act contains costs mandated by the state, reimbursement to*  
22 *local agencies and school districts for those costs shall be made*  
23 *pursuant to Part 7 (commencing with Section 17500) of Division*  
24 *4 of Title 2 of the Government Code.*

25 ~~SECTION 1. Section 2600 of the Penal Code is amended to~~  
26 ~~read:~~

27 ~~2600. (a) A person sentenced to imprisonment in a state prison~~  
28 ~~or to imprisonment pursuant to subdivision (h) of Section 1170~~  
29 ~~may during that period of confinement be deprived of such rights;~~  
30 ~~and only such rights, as is reasonably related to legitimate~~  
31 ~~penological interests.~~

32 ~~(b) This section does not overturn the decision in Thor v.~~  
33 ~~Superior Court, 5 Cal. 4th 725.~~