SB-1050 Exonerated inmates. (2017-2018)

Senate Bill No. 1050

CHAPTER 979

An act to amend Sections 290.007 and 3007.05 of the Penal Code, relating to inmates.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1050, Lara. Exonerated inmates.

Existing law requires a person to continue to register as a sex offender because of a conviction for specified sex offenses, regardless of whether the person's conviction has been dismissed, as specified, unless the person obtains a certificate of rehabilitation and is not in custody, on parole, or on probation.

This bill would also relieve a person from the requirement to continue to register as a sex offender under those provisions if the person is exonerated, as described, and he or she is not otherwise required to register.

Existing law requires the Department of Corrections and Rehabilitation to assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence with transitional services, including housing assistance, job training, and mental health services, as applicable, at the time he or she is exonerated.

This bill would require that transitional services be offered within the first week of an individual's exoneration and again within the first 30 days of exoneration. The bill would require the department to assist the exonerated person with enrollment in Medi-Cal and referral of the exonerated person to the Employment Development Department and applicable regional planning units for workforce services. The bill would require the department to assist the exonerated person with enrollment in CalFresh. The bill would also require that exonerated persons who are otherwise ineligible for CalFresh benefits be given priority for receipt of certain CalFresh benefits under a specified exemption, and would require the State Department of Social Services to provide guidance to counties regarding that requirement. By imposing additional duties on counties relating to administering the CalFresh program, the bill would impose a state-mandated local program. The bill would require the Department of Corrections and Rehabilitation to assist the exonerated person with enrollment in the federal supplemental security income benefits program and state supplemental program.

The bill would require each exonerated person to be paid the sum of $1,000 upon release, from funds to be made available upon appropriation by the Legislature for this purpose.

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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 290.007 of the Penal Code is amended to read:

290.007. A person required to register pursuant to any provision of the Act shall register in accordance with the Act, regardless of whether the person's conviction has been dismissed pursuant to Section 1203.4, unless the person obtains a certificate of rehabilitation and is entitled to relief from registration pursuant to Section 290.5, or is exonerated pursuant to subdivision (e) of Section 3007.05 of the conviction requiring registration and the person is not otherwise required to register.

SEC. 2. Section 3007.05 of the Penal Code is amended to read:

3007.05. (a) The Department of Corrections and Rehabilitation and the Department of Motor Vehicles shall ensure that all eligible inmates released from state prisons have valid identification cards, issued pursuant to Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code.

(b) For purposes of this section, "eligible inmate" means an inmate who meets all of the following requirements:

(1) The inmate has previously held a California driver's license or identification card.

(2) The inmate has a usable photo on file with the Department of Motor Vehicles that is not more than 10 years old.

(3) The inmate has no outstanding fees due for a prior California identification card.

(4) The inmate has provided, and the Department of Motor Vehicles has verified, all of the following information:

(A) The inmate's true full name.

(B) The inmate's date of birth.

(C) The inmate's social security number.

(D) The inmate's legal presence in the United States.

(c) The Department of Corrections and Rehabilitation shall assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with all of the following:

(1) Transitional services, including housing assistance, job training, and mental health services, as applicable. The services shall be offered within the first week of an individual's exoneration and again within the first 30 days of exoneration. Services shall be provided for a period of not less than six months and not more than one year from the date of release unless the exonerated person qualifies for services beyond one year under existing law.

(2) Enrollment in the Medi-Cal program established pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(3) (A) Enrollment in the CalFresh program established pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code.

(B) Exonerated persons who are ineligible for CalFresh benefits pursuant to the federal Supplemental Nutrition Assistance Program limitation specified in subsection (o) of Section 2015 of Title 7 of the United States Code shall be given priority for receipt of the 15-percent exemption specified in paragraph (6) of subsection (o) of Section 2015 of Title 7 of the United States Code. The State Department of Social Services shall issue guidance to counties regarding that requirement.

(4) Referral to the Employment Development Department and applicable regional planning units for workforce services.

(5) Enrollment in the federal supplemental security income benefits program pursuant to Title XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program pursuant to Title XVI of the federal Social Security Act and Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(d) In addition to any other payment to which he or she is entitled to by law, each person who is exonerated shall be paid the sum of one thousand dollars ($1,000) upon his or her release, from funds to be made available upon appropriation by the Legislature for this purpose.

(e) For the purposes of this section, "exonerated" means the person has been convicted and subsequently one of the following occurred:

(1) A writ of habeas corpus concerning the person was granted on the basis that the evidence unerringly points to innocence, or the person's conviction was reversed on appeal on the basis of insufficient evidence.

(2) A writ of habeas corpus concerning the person was granted pursuant to Section 1473, either resulting in dismissal of the criminal charges for which he or she was incarcerated or following a determination that the person is entitled to release on his or her own recognizance, or to bail, pending retrial or pending appeal.

(3) The person was given an absolute pardon by the Governor on the basis that the person was innocent.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.