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AB-1304 California MAT Re-Entry Incentive Program. (2019-2020)

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Assembly Bill No. 1304

CHAPTER 325

An act to add Section 3000.02 to the Penal Code, relating to parole.

[Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1304, Waldron. California MAT Re-Entry Incentive Program.

Existing law makes specified persons subject to parole supervision by the Department of Corrections and Rehabilitation, including a person who has been released from a state prison after conviction for a serious or violent felony or a crime for which the person is classified as a high-risk sex offender, and specifies the length of time the person is required to be supervised on parole.

This bill, contingent upon the appropriation to the State Department of Health Care Services of funds received pursuant to a specified federal grant, would establish the California MAT Re-Entry Incentive Program, which would make a person released from prison on parole, with specified exceptions, who has been enrolled in, or successfully completed, an institutional substance abuse program, eligible for a reduction in the period of parole if the person successfully participates in a substance abuse treatment program that employs a multifaceted approach to treatment, including the use of United States Food and Drug Administration approved medically assisted treatment (MAT). The bill would authorize a 30-day reduction for each 6 months of treatment successfully completed that is not ordered by the court, up to a maximum 90-day reduction. The bill would require, to the extent consistent with the terms of the grant, the sum of \$1,000,000 of the appropriated grant funds to be allocated to the department for this purpose. The bill would also require the department to collect data and analyze utilization and program outcomes and to provide that information in a specified report.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 3000.02 is added to the Penal Code, to read:

3000.02. (a) This section shall be known, and may be cited, as the California MAT Re-Entry Incentive Program.

(b) A person shall be eligible for a 30-day reduction to the period of parole for every six months of treatment that is not ordered by the court, up to a maximum 90-day reduction, if the person meets all of the following requirements:

(1) The person has been released from state prison and is subject to the jurisdiction of, and parole supervision by, the department pursuant to Section 3000.08.

(2) The person has been enrolled in, or successfully participated in, an institutional substance abuse program.

(3) The person successfully participates in a substance abuse treatment program that employs a multifaceted approach to treatment, including the use of United States Food and Drug Administration approved medically assisted therapy (MAT), and, whenever possible, is provided through a program licensed or certified by the State Department of Health Care Services, including federally qualified health centers (FQHS), community clinics, and Native American Health Centers.

(c) The sentence reduction shall be contingent upon successful participation in treatment, as determined by the treatment provider.

(d) This section shall not apply to inmates that are any of the following:

(1) Sentenced for an offense specified in paragraph (3), (4), (5), (6), (11), or (18) of subdivision (c) of Section 667.5.

(2) Convicted of an offense for which the inmate has received a life sentence pursuant to subdivision (b) of Section 209, with the intent to commit a specified sex offense, or Section 667.51, 667.61, or 667.71.

(3) Convicted of, and required to register as a sex offender for the commission of, an offense specified in Section 261, 262, 264.1, 286, or 287, paragraph (1) of subdivision (b) of Section 288, Section 288.5 or 289, or former Section 288a, in which one or more of the victims of the offense was a child under 14 years of age.

(e) (1) Operation of this section is contingent upon the appropriation to the State Department of Health Care Services of funds received pursuant to a federal Substance Abuse and Mental Health Services Administration (SAMHSA) opioid use disorder or substance use disorder grant. To the extent consistent with the terms of the grant, the sum of one million dollars (\$1,000,000) of the grant funds appropriated for these purposes shall be allocated to the Department of Corrections and Rehabilitation for use in implementing this section.

(2) The department shall collect data and analyze utilization and program outcomes and shall provide that information in the report required pursuant to Section 2694.5.