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SB-620 Criminal offender record information: referral of persons on supervised release. (2019-2020)

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Date Published: 10/09/2019 09:00 PM

Senate Bill No. 620

CHAPTER 650

An act to add Article 8 (commencing with Section 13350) to Chapter 2 of Title 3 of Part 4 of the Penal Code, relating to criminal offender record information.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 620, Portantino. Criminal offender record information: referral of persons on supervised release.

Existing law prohibits an employee of a criminal justice agency from furnishing information obtained from specified records, including information accessed via the California Law Enforcement Telecommunications System (CLETS) to any person not authorized to obtain that information.

This bill would authorize specified local law enforcement agencies to furnish limited information about persons on supervised release within their jurisdiction to a county, city, city and county, or nonprofit organization that provides transitional services to persons on supervised release. The bill would require a person on supervised release to be notified that they may consent to the release of their information for this purpose and would allow those persons to opt in to having their information released. The bill would require the law enforcement agency, prior to releasing any information, to contact the supervising agency, as specified, to verify whether the person has opted-in, and, in the case of persons on probation, to subsequently notify the probation department of any referral given to a service provider.

By placing additional requirements on postrelease supervision agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Article 8 (commencing with Section 13350) is added to Chapter 2 of Title 3 of Part 4 of the Penal Code, to read:

Article 8. Referral of Persons on Supervised Release

13350. (a) Notwithstanding Section 13302 or any other law, a municipal police department or county sheriff's department may, subject to the requirements of this article, provide information obtained from the supervised release file of the California Law

Enforcement Telecommunications System (CLETS) or other confidential sources, about persons on supervised release that are residing within the jurisdiction of that department to service providers located within that jurisdiction.

(b) The information that may be released pursuant to this section is limited to the name and address of the person on supervised release.

(c) For purposes of this section, "person on supervised release" means a person on parole from the state prison, postrelease community supervision, mandatory supervision, or supervised probation. It does not include a person on federal probation or any other type of supervised release from federal custody.

(d) For purposes of this section, "service provider" means a county, city, city and county, or nonprofit organization that provides transitional services to persons on supervised release, including, but not limited to, assistance with housing, job training or placement, and counseling or mentoring.

13351. (a) A person on supervised release shall be notified that they may consent to the release of their name and address to service providers in the community into which they are released or in which they reside, for the purpose of facilitating the offering of transitional services. The person shall be given the option of authorizing their information to be released.

(b) Before releasing the information of a supervised person under the jurisdiction of a probation department to a service provider pursuant to Section 13350, the law enforcement agency shall contact, and coordinate with, the person's probation officer to determine whether or not the person has authorized their information to be released, and shall subsequently inform the person's probation officer of any referral to a service provider.

(c) Before releasing the information of a supervised person under the jurisdiction of the Department of Corrections and Rehabilitation to a service provider pursuant to Section 13350, the law enforcement agency shall access the appropriate automated system designated by the Department of Corrections and Rehabilitation.

13352. This article shall not apply to supervised persons under the jurisdiction of the Department of Corrections and Rehabilitation until July 1, 2021.

SEC. 2. 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.