

ASSEMBLY BILL

No. 986

Introduced by Assembly Member Bradford

February 22, 2013

An act to amend Sections 3453 and 3454 of the Penal Code, relating to flash incarceration.

LEGISLATIVE COUNSEL'S DIGEST

AB 986, as introduced, Bradford. Postrelease community supervision: flash incarceration: city jails.

Existing law requires that specified persons released from prison on and after October 1, 2011, be subject to postrelease community supervision for a period not exceeding 3 years. Existing law specifies the conditions of postrelease community supervision and permits each county agency responsible for postrelease supervision to determine an order appropriate response to alleged violations, including flash incarceration in a county jail. Existing law defines flash incarceration as a period of detention in a county jail ranging from one to 10 days due to a violation of an offender's conditions of postrelease supervision.

This bill would additionally permit flash incarceration in a city jail pursuant to the above provisions. The bill would make a conforming change. The bill would also make technical, nonsubstantive changes.

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 3453 of the Penal Code is amended to
2 read:

- 1 3453. Postrelease community supervision shall include the
2 following conditions:
- 3 (a) The person shall be informed of the conditions of release.
4 (b) The person shall obey all laws.
5 (c) The person shall report to the supervising county agency
6 within two working days of release from custody.
7 (d) The person shall follow the directives and instructions of
8 the supervising county agency.
9 (e) The person shall report to the supervising county agency as
10 directed by that agency.
11 (f) The person, and his or her residence and possessions, shall
12 be subject to search at any time of the day or night, with or without
13 a warrant, by an agent of the supervising county agency or by a
14 peace officer.
15 (g) The person shall waive extradition if found outside the state.
16 (h) The person shall inform the supervising county agency of
17 the person's place of residence, employment, education, or training.
18 (i) (1) The person shall inform the supervising county agency
19 of any pending or anticipated changes in residence, employment,
20 education, or training.
21 (2) If the person enters into new employment, he or she shall
22 inform the supervising county agency of the new employment
23 within three business days of that entry.
24 (j) The person shall immediately inform the supervising county
25 agency if he or she is arrested or receives a citation.
26 (k) The person shall obtain the permission of the supervising
27 county agency to travel more than 50 miles from the person's place
28 of residence.
29 (l) The person shall obtain a travel pass from the supervising
30 county agency before he or she may leave the county or state for
31 more than two days.
32 (m) The person shall not be in the presence of a firearm or
33 ammunition, or any item that appears to be a firearm or
34 ammunition.
35 (n) The person shall not possess, use, or have access to any
36 weapon listed in Section ~~12020~~, 16140, subdivision (c) of Section
37 16170, Section 16220, 16260, 16320, 16330, or 16340, subdivision
38 (b) of Section 16460, Section 16470, subdivision (f) of Section
39 16520, or Section 16570, 16740, 16760, 16830, 16920, 16930,
40 16940, 17090, 17125, 17160, 17170, 17180, 17190, 17200, 17270,

1 17280, 17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720,
2 17725, 17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200,
3 20310, 20410, 20510, ~~20610~~, 20611, 20710, 20910, 21110, 21310,
4 21810, 22010, 22015, 22210, 22215, 22410, ~~32430~~, 24310, 24410,
5 24510, 24610, 24680, 24710, 30210, 30215, 31500, 32310, 32400,
6 32405, 32410, 32415, 32420, 32425, ~~32430~~ 32435, 32440, 32445,
7 32450, 32900, 33215, 33220, 33225, or 33600.

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

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

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

19 (q) The person shall waive any right to a court hearing prior to
20 the imposition of a period of "flash incarceration" in a *city or*
21 county jail of not more than 10 consecutive days for any violation
22 of his or her postrelease supervision conditions.

23 (r) The person shall participate in rehabilitation programming
24 as recommended by the supervising county agency.

25 (s) The person shall be subject to arrest with or without a warrant
26 by a peace officer employed by the supervising county agency or,
27 at the direction of the supervising county agency, by any peace
28 officer when there is probable cause to believe the person has
29 violated the terms and conditions of his or her release.

30 SEC. 2. Section 3454 of the Penal Code is amended to read:

31 3454. (a) Each supervising county agency, as established by
32 the county board of supervisors pursuant to subdivision (a) of
33 Section 3451, shall establish a review process for assessing and
34 refining a person's program of postrelease supervision. Any
35 additional postrelease supervision conditions shall be reasonably
36 related to the underlying offense for which the offender spent time
37 in prison, or to the offender's risk of recidivism, and the offender's
38 criminal history, and be otherwise consistent with law.

39 (b) Each county agency responsible for postrelease supervision,
40 as established by the county board of supervisors pursuant to

1 subdivision (a) of Section 3451, may determine additional
2 appropriate conditions of supervision listed in Section 3453
3 consistent with public safety, including the use of continuous
4 electronic monitoring as defined in Section 1210.7, order the
5 provision of appropriate rehabilitation and treatment services,
6 determine appropriate incentives, and determine and order
7 appropriate responses to alleged violations, which can include, but
8 shall not be limited to, immediate, structured, and intermediate
9 sanctions up to and including referral to a reentry court pursuant
10 to Section 3015, or flash incarceration in a *city or* county jail.
11 Periods of flash incarceration are encouraged as one method of
12 punishment for violations of an offender’s condition of postrelease
13 supervision.

14 (c) ~~Flash~~ *As used in this title, “flash incarceration”* is a period
15 of detention in a *city or* county jail due to a violation of an
16 offender’s conditions of postrelease supervision. The length of the
17 detention period can range between one and 10 consecutive days.
18 Flash incarceration is a tool that may be used by each county
19 agency responsible for postrelease supervision. Shorter, but if
20 necessary more frequent, periods of detention for violations of an
21 offender’s postrelease supervision conditions shall appropriately
22 punish an offender while preventing the disruption in a work or
23 home establishment that typically arises from longer term
24 revocations.