
THIRD READING

Bill No: AB 547
Author: McCarty (D)
Amended: 6/2/22 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 5/31/22
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/11/22
AYES: Portantino, Bates, Bradford, Jones, Laird, McGuire, Wieckowski

ASSEMBLY FLOOR: 66-0, 1/14/22 - See last page for vote

SUBJECT: Domestic violence: victim's rights

SOURCE: WEAVE

DIGEST: This bill requires the county probation department to notify a victim of domestic violence, abuse, or stalking, of the perpetrator's current or proposed community of residence, if the victim has requested such notification.

ANALYSIS:

Existing law:

- 1) Requires the California Department of Corrections and Rehabilitation (CDCR), county sheriff, or director of the local department of corrections to give notice to a victim of stalking or felony domestic violence prior to the release of the person convicted of stalking or felony domestic violence. (Pen. Code § 646.92.)
- 2) Requires CDCR or the Board of Parole Hearings (BPH), whenever a person convicted of a violent felony is going to be released from state prison, to notify the local law enforcement agencies that have jurisdiction over the community in which the person was convicted and the community in which the person is scheduled to be released. (Pen. Code § 3058.6.)

- 3) Provides that whenever the sheriff or the chief of police is notified of the pending release of a convicted violent felon, that sheriff or chief of police may notify any person designated as an appropriate recipient of that notice. (Pen. Code § 3058.7, subd. (a).)
- 4) Requires CDCR or BPH to notify a victim or witness who has requested notification that a person convicted of a violent felony is scheduled to be released. Requires notice of the community in which the person is scheduled to reside also be given if it is in the county of residence of a witness, victim, or family member of a victim who has requested notification, or within 100 miles of the actual residence of a witness, victim, or family member of a victim who has requested notification. (Pen. Code § 3058.8, subd. (a).)
- 5) Requires, with respect to the conviction of a defendant involving a violent felony, the district attorney, probation officer, or victim-witness coordinator to notify the victim as to the victim's right to be sent notice of the defendant's release from custody. (Pen Code § 679.03, subd. (a)(1).)

This bill:

- 1) Requires the county probation department to notify a victim of domestic violence or abuse, as defined, or a victim of stalking, as defined, of the perpetrator's current community of residence or proposed community of residence upon release, when the perpetrator, after conviction, is placed on or being released on probation and under the supervision of the county probation department.
- 2) Requires the above notification to take place only if the victim has requested notification and has provided the probation department with a current address at which they may be notified.
- 3) Requires the district attorney to advise every victim of domestic violence or abuse, or stalking, of their right to request and receive notification.

Background

Penal Code Section 3058.8 requires CDCR or BPH to notify a victim or witness who has requested notification that a person convicted of a violent felony is scheduled to be released onto parole. Section 3058.8 further requires notice of the community in which the person is scheduled to reside if it is in the county of residence of a witness, victim, or family member of a victim who has requested notification, or within 100 miles of the actual residence of a witness, victim, or family member of a victim who has requested notification. Existing law also

requires CDCR or BPH to provide updated information to the witness, victim, or next of kin if there is a change in the community where the person is to reside.

This bill applies to individuals on probation, and requires the county probation department to notify a victim of domestic violence or stalking, of the perpetrator's current community of residence when the perpetrator is placed on probation after being convicted. If the perpetrator was in custody and is going to be placed on probation, the county probation department is required to notify the victim of the perpetrator's proposed community of residence. This bill specifies that notification take place only if the victim has requested notification and has provided the probation department with a current address at which they may be notified. Finally, this bill requires the district attorney to advise every victim of domestic violence or abuse, or stalking, of their right to request and receive notification.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, potentially ongoing reimbursable costs across all 58 counties for additional staff and infrastructure for county probation departments to notify victims of domestic violence, stalking or abuse of a perpetrator' address when the perpetrator is placed on probation. (Locals Funds, General Fund). Actual costs will depend on the number of victims that request information. Impact to the General Fund will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

SUPPORT: (Verified 8/11/22)

WEAVE (source)
California Police Chiefs Association
Giffords Law Center to Prevent Gun Violence
Work Equity

OPPOSITION: (Verified 8/11/22)

None received

ASSEMBLY FLOOR: 66-0, 1/14/22

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Burke, Calderon, Carrillo, Choi, Cooley, Cooper, Daly, Davies, Flora, Fong, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee,

Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi,
Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva,
Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas,
Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Waldron, Ward, Akilah
Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Bigelow, Cervantes, Chen, Cunningham, Megan Dahle,
Friedman, Holden, Mayes, Santiago, Voepel

Prepared by: Stephanie Jordan / PUB. S. /
8/13/22 9:34:57

**** END ****