

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 313 (Vince Fong) – As Amended February 23, 2023

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill requires any detention agency, including the California Department of Corrections and Rehabilitation (CDCR), the Board of Parole Hearings (BPH), and any county detention agency, to notify a victim's immediate family of a violent offender's release, escape, scheduled execution, or death.

**FISCAL EFFECT:**

- 1) Possibly reimbursable costs (General Fund (GF)) and local funds) to local detention agencies, such as county sheriff departments, in excess of \$150,000 annually statewide to advise and notify a victim's immediate family of an offender's release, escape, scheduled execution, or death. This bill defines "immediate family" as any of the following: spouse, parent, grandparent, brother, sister, child, and grandchild who are related by blood, marriage, or adoption. Existing law requires a detention agency to notify only the victim, a victim's next of kin, and any witness to the crime. This bill requires each local detention agency to provide a form to possible immediate family members in the event they wish to be informed of a violent offender's status. However, the offender's status may change or may not be current. This may result in increased costs to local detention agencies to track down immediate family members. Costs to the GF will depend on whether the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.
- 2) Likely no costs to CDCR or BPH since existing regulations require CDCR to provide a victim services form to any witness of a violent crime, a victim of a violent crime, or the victim's family in order to receive notice of the offender's change in custody status.

**COMMENTS:**

- 1) **Purpose.** According to the author:

Assembly Bill 313 will expand victim protection services to the family of victims impacted by a crime. The detrimental effects of a crime oftentimes extend beyond the victims and witnesses of a crime. Extra time and space to care for themselves will help victims and their families heal without the threat of a traumatic encounter with the offender. Through codifying Form 1707 protections for families of victims, those affected by a crime

against a family member can access greater transparency within the CDCR system and provide certainty when perpetrators are released from prison.

- 2) **Current Regulations on Notification.** CDCR's Department Operations Manual (DOM) provides a victim of crime, a family member of a victim, or a witness who testified against the offender may request, by writing a letter to CDCR or by submitting to CDCR Form 1707, to be notified of a change to the custody status of the offender, such as the offender's death, escape, scheduled release to parole, discharge, release from custody for any other reason, or transfer of custody to another agency. Existing regulations define "immediate family member" as legal spouse, registered domestic partner, natural parents, adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration, step-parents or foster parents, grandparents, natural, step, or foster brothers or sisters, the inmate's natural and adoptive children, grandchildren, and legal stepchildren of the inmate. Aunts, uncles and cousins are not immediate family members unless a verified foster relationship exists.

Existing law also requires CDCR to supply Form 1707 to designated county agencies (such as the county district attorney, probation department, or victim-witness coordinator). Existing law, in turn, requires a designated agency to give the form to the victim, witness to the crime, or victim's next of kin for completion, explain to that person or persons the right to be notified, and forward the completed form to CDCR. CDCR or BPH is responsible for notifying all victims, witnesses, or next of kin of victims who request to be notified of a violent offender's scheduled release or scheduled execution.

According to the Assembly Committee on Public Safety:

This bill would expand the existing statutory notice requirements of a violent offender's release, escape, scheduled execution, or death to include the immediate family members of the victim. This appears consistent with CDCR's existing notification practice. It would also require the designated county agency to supply a form to immediate family members and advise them of their right to notification. This bill's language would not amend Penal Code section 3003 which limits who can request that an incarcerated person not be allowed to live within 35 miles of their home address to victims and witnesses.

- 3) **Prior Legislation.** SB 852 (Harman), Chapter 364, Statutes of 2011, authorized a crime victim to request the option of being notified of an offender's custody status by electronic mail, if that method is available, and made numerous conforming changes.

**Analysis Prepared by:** Kimberly Horiuchi / APPR. / (916) 319-2081