
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 396 (Stern) - Corrections: supervision

Version: March 20, 2025

Urgency: No

Hearing Date: April 21, 2025

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: This bill would prohibit a supervision authority, as defined, from imposing a condition of supervision that restricts a person on supervision from being in contact with any family member unless the family member is a victim of the crime for which the person on supervision was convicted, and it is deemed necessary for public safety.

Fiscal Impact: Unknown, potential costs pressures (local funds, General Fund) to the California Department of Corrections and Rehabilitation (CDCR) and counties to comply with the requirements of this bill. Counties and CDCR will incur ongoing costs associated with providing a written explanations of why the public safety and rehabilitative benefits of prohibiting contact outweigh rights to familial association, any rehabilitative benefits from contact, and any harms to either person from prohibiting contact and providing a copy of the written explanation to the person on supervision and to the family member. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

Background: Supervision refers to monitoring of a person by an agent or officer—either after release from incarceration or in lieu of incarceration—while living in the community and subject to certain rules.

There are several types of supervision in this state: probation, PRCS, mandatory supervision, and parole. Individuals on parole served time in a state prison for specified offenses before being released back into the community. Individuals who served their sentence in a state prison for offenses other than those that require parole supervision are placed on PRCS upon release. Individuals who served time for a felony in county jail (i.e., a realigned felony) are subject to mandatory supervision when a portion of the person's sentenced term is suspended and the person is released from physical custody early. Finally, probation is a type of supervision that a judge orders as part of the original sentence, either as an alternative to incarceration or in addition to incarceration. Individuals on parole are supervised by state parole agents. Individuals on the other three types of supervision are supervised by county probation officers.

People who are subject to supervision are generally required to comply with a set of conditions. Common supervision conditions include requirements to submit to regular drug testing, to attend certain types of classes, to refrain from consuming alcohol, to receive outpatient mental health treatment, to maintain employment, obtain permission from the supervising agent or officer to travel outside of a specified area, and to refrain from associating with specified individuals.

There are several well-documented challenges that individuals face following a period of incarceration. Difficulty obtaining employment, lack of stable and affordable housing, lack of prosocial support networks, substance use and mental health disorders, and lack of education all serve as barriers to successful reentry.¹ Research indicates that family support is a key contributor to successful reentry outcomes.² Specifically, reducing barriers to family contact may lead to positive outcomes.³ Recent research indicates that familial support in the form of housing or financial support appear more salient in promoting prosocial reentry outcomes than emotional or interactional support.⁴

Proposed Law: This bill:

- Provides that the Legislature finds and declares that family connection is essential to successful reentry into the community after incarceration.
- Prohibits a supervision authority from imposing a condition of supervision that prohibits a person on supervision from being in contact with any family member.
- Allows a supervision authority to restrict contact with a family member who is the victim of the crime for which the person on supervision was convicted, if deemed necessary for public safety, even if the victim family member agrees to contact. If the victim family member agrees to contact and the supervision authority decides to prohibit contact, the supervision authority shall provide a written explanation of why the public safety and rehabilitative benefits of prohibiting contact outweigh rights to familial association, any rehabilitative benefits from contact, and any harms to either person from prohibiting contact. The supervising authority shall provide a copy of the written explanation to the person on supervision and to the family member.
- Provides that these provisions do not prohibit the issuance or enforcement of any criminal protective order or condition of supervision established by the court.
- Defines the following:
 - “Family member” as a person related to the person on supervision by blood, marriage, adoption, or other legally established family relationship, including, but not limited to, foster family members;

¹ Dept. of Justice, *Report to Congress from the Reentry Coordination Council, Coordination to Reduce Barriers to Reentry: Lessons Learned from COVID-19 and Beyond* (Apr. 2022), p. 7 available at <https://www.justice.gov/archives/opa/press-release/file/1497911/dl#:~:text=It%20is%20no%20secret%20that,to%20treatment%20and%20health%20care.>.

² Illinois Criminal Justice Information Authority, *Families and Reentry: Unpacking How Social Support Matters* (Jun. 2012), p.1 available at <https://www.urban.org/sites/default/files/publication/24921/1001630-Families-and-reentry-Unpacking-How-Social-Support-Matters.pdf>.

³ Mowen & Vischer, *Changing the Ties that Bind: How Incarceration Impacts Family Relationships* (Apr. 2016) Criminology & Pub. Policy 15(2).

⁴ Mowen et al., *Family Matters: Moving Beyond “If” Family Support Matters to “Why” Family Support Matters During Reentry from Prison* (Dec. 2018) Journal of Res. Crim. Delinq. 56(4) available at <https://www.ncbi.nlm.nih.gov/articles/PMC7205225/#:~:text=Conclusions%3A,basic%20needs%20of%20returning%20individuals.>.

- “Supervision” as parole, probation, postrelease community supervision, mandatory supervision, or any other form of supervision. “Supervision” does not include incarceration in a county jail or state prison; and,
- “Supervision authority” as any state, county, or local government agency that imposes conditions of supervision on a person on supervision. “Supervision authority” does not include a court.
- “Victim” as the person who is the named victim in the charging document of an offense that ended in conviction in the current case for which the person is on supervision.

Related Legislation: AB 1226 (Haney), Ch. 98, Stats. 2024, requires an incarcerated person with a child as to be placed in the correctional institution or facility that is located nearest to the primary place of residence of the child.

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