

AMENDED IN SENATE APRIL 7, 2015

**SENATE BILL**

**No. 266**

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**Introduced by Senator Block**  
*(Coauthor: Senator Anderson)*

February 19, 2015

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An act to add and repeal Section 1203.35 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 266, as amended, Block. Probation and mandatory supervision: flash incarceration.

Existing law authorizes probation and mandatory supervision, which in each case is a period of time when a defendant is released from incarceration and is subject to specified conditions and supervision by county probation authorities.

This bill would, until January 1, 2021, *allow a court to* authorize the use of flash incarceration, as defined, to detain the offender in county jail for not more than 10 days for a violation of his or her conditions of probation or mandatory supervision, as specified. These provisions would not apply to persons convicted of certain drug possession offenses.

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 1203.35 is added to the Penal Code, to  
2 read:

1 1203.35. (a) In any case where the court grants probation or  
2 imposes a sentence that includes mandatory supervision, the court  
3 ~~shall~~ *may* authorize the county probation officer to use flash  
4 incarceration for any violation of the conditions of probation or  
5 mandatory supervision, if, at the time of granting probation or  
6 ordering mandatory supervision, the court obtains from the  
7 defendant a waiver to a court hearing prior to the imposition of a  
8 period of flash incarceration. The waiver shall authorize the  
9 probation officer, if the person on probation or mandatory  
10 supervision does not agree to accept a recommended period of  
11 flash incarceration upon a finding of a violation, to address the  
12 alleged violation by filing a declaration or revocation request with  
13 the court.

14 (b) For purposes of this section, “flash incarceration” is a period  
15 of detention in a county jail due to a violation of an offender’s  
16 conditions of probation or mandatory supervision. The length of  
17 the detention period may range between one and 10 consecutive  
18 days. Shorter, but if necessary more frequent, periods of detention  
19 for violations of an offender’s conditions of probation or mandatory  
20 supervision shall appropriately punish an offender while preventing  
21 the disruption in a work or home establishment that typically arises  
22 from longer periods of detention.

23 (c) This section shall not apply to any defendant sentenced  
24 pursuant to Section 1210.1.

25 (d) This section shall remain in effect only until January 1, 2021,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2021, deletes or extends that date.