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2015 CA S 266

Author: Block
Version: Introduced
Version Date: 02/19/2015

CALIFORNIA LEGISLATURE--2015-2016 REGULAR SESSION

Senate Bill

No. 266

Introduced by Senator Block

February 19, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 266, as introduced, 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, 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 Required: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

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

SECTION 1. Section 1203.35 is added to the Penal Code, to read:

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

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

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

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

