

PROPOSED REGULATION TEXT

In the following, underline text indicates proposed new regulatory language, and strikethrough indicates deleted text.

CHAPTER 1 GENERAL PROVISIONS Article 6 GENERAL RULES ON HEARINGS

§ ~~4925~~. Level of Decision Making.

~~The classification or category of wards' cases or the type of hearing determines the level of decision making exercised by the Board. This chapter sets forth certain case decisions which shall be made by the full board en banc, a full board panel, or by a board panel. A referee is authorized to make ward case decisions in all hearings for Categories 6 and 7 (Sections 4956-4957), initial hearings for Categories 4 and 5 (Sections 4954 and 4955), and annual and progress reviews for wards housed at or committed to any non-Youth Authority facility, and all Disciplinary Decision Making System (DDMS) matters for all categories (Sections 4951 through 4957). Hearings may be conducted by the authorized or a higher level of decision making.~~

~~Note: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1714, 1719, 1721 and 1723, Welfare and Institutions Code.~~

§ ~~4926~~. Case Decisions.

(a) In order for a case decision made by the full board en banc, a full board panel, or a board panel to be effective, a majority of the ~~quorum~~ board members present shall ~~concur~~agree in the decision.

(b) All case decisions shall be recorded on a written Board order. ~~The ward~~ Youth/parolee/parole violators shall be given a copy of the Board order for their case.

~~Note: Authority cited: Sections 1712, and 1719-1722, Welfare and Institutions Code. Reference: Sections 1703(d), 1714, 1719, 1721 and 1723, Welfare and Institutions Code.~~

§ ~~4927~~. Ward-Youth/Parolee/Parole /Violator Appearance and ~~Voice~~Audio Recording of Hearings.

(a) All Hhearings shall be ~~voice recorded on tape~~ audio recorded when the ~~ward~~ youth/parolee/parole violator is present, with the exception of Probable Cause Hearings. ~~Annual reviews for wards on parole, annual and/or progress reviews for Youth Authority wards housed at or committed to any non-Youth Authority facility need not be appearance hearings.~~ The ward youth/parolee/parole violator who is the subject of the hearing, and with the ward's his/her consent attorney, and with the youth's consent, anyone ~~else who is~~ eligible to appeal a Board order, shall be permitted to listen to the recording. Recordings shall be retained for a period of 15 months from the date of the hearing.

(b) A ~~ward youth~~ shall attend all Youth Authority Division of Juvenile Justice (DJJ) institutional hearings, with the exception of ~~for those wards:~~

(1) Youth Unable to attend due to medical reasons as determined by ~~Youth Authority DJJ~~ medical staff.

- (2) Youth Hhoused at or committed to any non-Youth Authority DJJ facility.
- (3) Annual and/or progress reviews for youth on parole.
- (c) Subsection (b) does not apply to Revocation or Revocation Extension proceedings.

Note: Authority cited: Sections ~~1721 and 1722~~, 1001, 1004, 1712, and 1719, Welfare and Institutions Code.
Reference: Sections ~~1721~~ 224.70(e), 1703(d), and 1723, Welfare and Institutions Code.

~~§ 4928. Board Panel Unable to Agree and Dissents.~~

~~(a) When a Board panel is unable to agree on a case decision, the matter shall be referred to the Chairperson. Each hearing officer shall prepare a proposed Board Order setting forth his/her motion and the reasons for his/her order. The Chairperson shall consider the case and concur with one of the proposed orders.~~

~~(b) In cases in which a hearing officer dissents from a full Board panel or Full Board En Banc decision, he/she shall so indicate on the Board Order and shall state his/her reason(s) on the order.~~

~~Note: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1721 and 1723, Welfare and Institutions Code.~~

§ 4929. Conditions of Parole.

The Board shall set conditions of parole at the time parole is granted. Special Conditions conditions of parole may be added or deleted during the time ward-a parolee is on parole either by the Juvenile Patole Board, or by the parolee's assigned parole agent. A parole agent, however, cannot change or delete orders by the Juvenile Parole Board.

(a) General Conditions of Parole. The following are general conditions of parole:

(1) You ~~shall~~must follow the instructions of your parole agent.

(2) You ~~shall~~must obey all laws and ordinances. Conduct prohibited by law is considered a parole violation, even if you are not charged or convicted in court.

(3) You ~~shall~~must not change your ~~approved placement or leave the State of California without the permission of house/placement without the prior permission of~~ your parole agent. You shall not avoid parole supervision.

(4) You ~~shall~~must not ~~evade parole supervision~~ leave the State of California without the written permission of your parole agent, and you are required to return to the State of California within the time-frame specified. Timeframes for processing any violations of parole will not begin until you return to the State of California.

(5) You ~~shall not be a substantial danger to yourself or do anything which is a substantial danger to yourself or to the person or property of another. and your residence, and any other property under your control, may be searched with or without a warrant and with or without probable cause by a parole agent of the California Department of Corrections and Rehabilitation, a parole agent of the Juvenile Parole Board, and/or any peace officer at any time of day or night.~~

(6) You and your residence and any property under your control may be searched without a warrant by a parole agent of the Department of the Youth Authority, parole agent of the Youthful Offender Parole Board, or any peace officer. must not own, possess, use, have under your control or have access to any deadly weapons, firearms (any kind of gun), knives (with blade longer than 2 inches), crossbow, explosives devices, taser or ammunition.

(7) You may not use, possess, sell or have under your control any firearm if you have a felony conviction. must not own, use, possess, or have under your control or have access to any simulated weapons, which would cause a reasonable person to believe that you are in possession of a deadly weapon, firearm, knife, explosive device or ammunition (i.e. toy guns, BB guns, Air Soft guns, plastic guns or knives, etc.).

(8) You shall abstain from the use of alcoholic liquor or beverages if you have been convicted of any of the offenses listed in Section 290 of the Penal Code must report all arrests/citations to your parole agent or his/her designee within one business day of such contact.

(9) You must not be in the United States illegally.

(10) You must provide proof of employment, education or vocational training, or proof of actively seeking such activity.

(11) You must not own, use, possess, sell, have under your control or access to, any controlled substance, dangerous drug, narcotic (including marijuana) or other mind altering substance without a valid prescription from a licensed physician.

(12) You must not own, use, possess, sell, have under your control or access any drug paraphernalia (i.e. crack pipes, roach clips, bong, meth pipes, rolling papers, spoons, syringes, etc.).

(13) You must submit to drug testing for illegal drugs, prescription drugs and/or alcohol as directed by your parole agent.

(14) You must not loiter in areas in which known drug sale activities are occurring.

(15) You must pay in full any restitution fine or restitution order imposed by the court as a result of your commitment. Payment shall be in installments set in an amount consistent with your ability to pay. (as defined by WIC 1766.1)

(16) You must sign this agreement containing the conditions of parole or your parole will be rescinded/revoked.

(b) Special Conditions of Parole. The Board may prescribe special conditions of parole based on ~~the an~~ individual ~~ward's~~ ~~parolee's~~ offense history, commitment offense/~~current violation~~, or future criminality broadly defined to take into account the ~~parolee's~~ entire social history, or ~~documented behavior~~.

Note: Authority cited: Section 1719-1722, Welfare and Institutions Code. Reference: Sections 1714, 1719, 1725, 1730, 1766 and 1767.2, Welfare and Institutions Code.